



# Federal Register

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**Wednesday**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99–NM–206–AD; Amendment 39–12114; AD 2001–03–10]

RIN 2120–AA64

#### Airworthiness Directives; Boeing Model 747–100, –200, –300, –400, and 747SR Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD); applicable to all Boeing Model 747–100, –200, –300, –400, and 747SR series airplanes; that requires a one-time inspection to determine whether H–11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, and replacement of any H–11 steel bolt with an Inconel bolt. The actions specified by this AD are intended to prevent loss of a flap transmission, which could reduce lateral controllability of the airplane.

**DATES:** Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Barbara Mudrovich, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2983; fax (425) 227–1181.

#### SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 747–100, –200, –300, –400, and 747SR series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on May 31, 2000 (65 FR 34604). That action proposed to require a one-time inspection to determine whether H–11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, and replacement of any H–11 steel bolt with an Inconel bolt. That action also proposed to expand the applicability of the original NPRM to include additional airplanes.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Request to Extend the Compliance Time

Several commenters request that the compliance time for the proposed rule be extended. The commenters' suggestions for an appropriate compliance time range from 16 to 24 months. Most commenters' requests are based on the need for additional time so that subject H–11 steel bolts can be replaced during a scheduled maintenance visit. However, one commenter, who suggests that a compliance time of 18 months would allow accomplishment of the AD during a heavy maintenance visit, also states that the replacement Inconel bolts listed in the service bulletin are not available in sufficient quantity to meet the needs of all affected operators. The commenter points out that, if adequate quantities of replacement bolts are not available, airplanes will be grounded. Similarly, another commenter requests that the FAA coordinate compliance times for this AD with the airplane manufacturer to ensure that an adequate supply of parts is available for replacement of the

subject bolts on all airplanes in the worldwide fleet.

The FAA concurs that the compliance time for the actions required by this AD may be extended. In developing an appropriate compliance time for this AD, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the necessary actions, the practical aspect of accomplishing the requirement within an interval of time that parallels normal scheduled maintenance for affected operators, and the availability of replacement parts. In consideration of these factors, the FAA has determined that 18 months represents an appropriate compliance time allowable wherein an acceptable level of safety can be maintained. Paragraph (a) of this AD has been revised accordingly.

Though the FAA is extending the compliance time for the actions required by this AD, it should be noted that the FAA does not concur with the comment that the replacement Inconel bolts listed in the service bulletin are not available in sufficient quantity to meet the needs of all affected operators. The FAA has confirmed with the airplane manufacturer that an adequate supply of bolts is available.

#### Request To Provide Relief for Operators of Certain Airplanes

One commenter requests various changes to the proposed rule to differentiate between airplanes delivered with H–11 steel bolts and airplanes not delivered with H–11 steel bolts, but that may have had such bolts installed as spares. The commenter states that, to avoid confusion, the proposed AD must be revised to make clear that H–11 steel bolts were not used as attach and support bolts at the trailing edge flap transmissions in airplanes having line number (L/N) 872 and subsequent. The commenter asserts that, while this was apparent in the original NPRM, it was not clear in the supplemental NPRM. The purpose of the commenter's proposed changes is to provide relief to operators of airplanes not delivered with H–11 steel bolts. The commenter specifically requests that the FAA divide the applicability of the AD into three groups, and that operators of certain airplanes be given the option of examining the maintenance records to



determine if any major flap transmission or flap track repair or replacement has been done on the airplane. If no such repair or replacement has been done, no further action would be necessary for that airplane.

The FAA concurs with the intent of the commenter's request, though not with the grouping of airplanes suggested by the commenter. The FAA finds that operators of airplanes that were not delivered with H-11 steel bolts may be allowed to comply with this AD by inspecting the maintenance records for the airplane to determine if H-11 steel bolts may have been installed during a repair or replacement of a flap transmission or flap track. If the inspection of maintenance records conclusively shows that no major repair or replacement of a flap transmission or flap track has been done, then no further action is necessary for that airplane. Therefore, the FAA has revised this final rule to include a new paragraph (b), which offers operators of airplanes having L/N 872 and subsequent the option of an inspection of maintenance records to be performed instead of the inspection in paragraph (a) of this AD. (Subsequent paragraphs have been reordered accordingly.)

#### **Request To Reduce Applicability**

One commenter disagrees with the expansion of the applicability that was proposed in the supplemental NPRM. The commenter states that it is an operator's responsibility to track components removed from one airplane and installed on another. The commenter states that it is unfair to penalize operators who are able to track components from airplane to airplane.

The FAA concurs with the commenter's intent. As explained above, the FAA has added paragraph (b) to this final rule to give operators of airplanes that were not delivered with H-11 steel bolts the option to inspect the maintenance records for the airplane to determine if H-11 steel bolts may have been installed during a repair or replacement. If the maintenance records conclusively show that no major repair or replacement of a flap transmission or flap track has been done, then no further action is necessary for that airplane. However, if it cannot be determined from the inspection of the maintenance records if such repair or replacement has been done, this AD requires an inspection for H-11 steel bolts, and follow-on corrective actions, if necessary. No further change to the final rule is necessary in this regard.

#### **Request To Prohibit Future Installation of H-11 Steel Bolts**

One commenter requests that the FAA revise the proposed rule to include a statement that no airplane may be modified to introduce H-11 steel bolts into the flap transmissions. The commenter states that such a statement is necessary to ensure that H-11 steel bolts are not installed in the flap transmissions of the subject airplanes (e.g., from spares) after the effective date of this AD. In a related issue addressed separately above, the same commenter proposes dividing the applicability of this AD into three groups, with one group of airplanes—those delivered after the effective date of this AD (Group 3)—requiring no action per this AD.

The FAA does not concur with the commenter's request. Revising the proposed rule to prohibit installation of H-11 steel bolts into the flap transmissions after the effective date of this AD would involve adding a new requirement to this AD, which would necessitate issuing another supplemental NPRM and reopening the public comment period. Considering the criticality of the unsafe condition, the FAA finds that it would be inappropriate to delay issuance of the final rule in this way. This AD will prohibit installation of H-11 steel bolts after 18 months following the effective date of this AD, and the FAA finds that this 18-month interval is adequate to both ensure that all affected operators will be able to comply with this AD in a timely manner and ensure the safety of the affected airplane fleet. No change to the final rule is necessary in this regard.

#### **Request To Allow Deferred Replacement of Bolts**

One commenter states that it "seems strange" that the FAA is allowing a compliance time of one year for the inspection but requiring the replacement before further flight of any H-11 steel bolt with an Inconel bolt. Another commenter points out that dispatch relief provided by Boeing Alert Service Bulletin 747-27A2376, dated July 1, 1999, via a torque check of H-11 steel bolts was omitted from the proposed rule.

The commenters make no specific request for a change to the proposed rule. However, the FAA infers that the commenters are requesting that the FAA allow deferred replacement of H-11 steel bolts that are not broken, as provided in the service bulletin. The FAA does not concur with this request. As explained in the original NPRM, though the service bulletin describes an

option to defer replacement of an H-11 steel bolt by performing a torque inspection to determine whether the H-11 steel bolt is broken, the FAA has determined that such a deferral would not result in the unsafe condition being addressed in a timely manner. In addition, as explained previously, the FAA is extending the compliance time for the inspection required by this AD from 12 to 18 months. This extension of the compliance time will allow operators to plan appropriately for doing this AD on their airplanes, so that the required actions may be done during a scheduled maintenance visit. No further change to this AD is necessary in this regard.

#### **Conclusion**

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### **Cost Impact**

There are approximately 1,240 airplanes of the affected design in the worldwide fleet. The FAA estimates that 281 airplanes of U.S. registry will be affected by this AD.

The required inspection will take approximately 2 work hours per airplane at an average labor rate of \$60 per work hour. Based on these figures, the FAA estimates the cost impact of this inspection on U.S. operators to be \$33,720, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Should an operator be required to accomplish the bolt replacement, it will take approximately 4 work hours per airplane (0.5 hour per transmission), at an average labor rate of \$60 per work hour. Required parts will cost approximately \$5,049 per airplane. Based on these figures, the FAA

estimates the cost impact of the replacement to be \$5,289 per airplane.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-03-10 Boeing:** Amendment 39-12114. Docket 99-NM-206-AD.

**Applicability:** All Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, -400, -400D, -400F, and 747SR series airplanes; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the

owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent loss of a flap transmission, which could reduce lateral controllability of the airplane, accomplish the following:

### Replacement

(a) Except as provided by paragraph (b) of this AD, within 18 months after the effective date of this AD, perform a one-time general visual inspection to determine whether H-11 steel bolts are installed as attach and support bolts at the trailing edge flap transmissions, in accordance with Boeing Alert Service Bulletin 747-27A2376, dated July 1, 1999.

(1) If no H-11 steel bolt is found, no further action is required by this AD.

(2) If any H-11 steel bolt is found, before further flight, replace with an Inconel bolt, in accordance with the alert service bulletin.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

### Alternative Inspection for Certain Airplanes

(b) For airplanes having line number (L/N) 872 and subsequent: Instead of doing paragraph (a) of this AD, it is acceptable to inspect airplane maintenance records to determine if a flap transmission or flap track repair or replacement has been done. This inspection of the maintenance records, if done, is required at the same 18-month compliance time as the inspection required by paragraph (a) of this AD.

(1) If no flap transmission or flap track repair or replacement has been done: No further action is required by this AD.

(2) If any flap transmission or flap track repair or replacement has been done, or if it cannot be determined from the inspection of the maintenance records if such repair or replacement has been done: Within 18 months after the effective date of this AD, do paragraph (a) of this AD.

### Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 3:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Seattle ACO.

### Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

### Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747-27A2376, dated July 1, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

### Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 8, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-3699 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-224-AD; Amendment 39-12116; AD 2001-03-12]

**RIN 2120-AA64**

### Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all British Aerospace (Jetstream) Model 4101 airplanes, that currently requires repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. This amendment requires modification of the elevator cable tension regulator lever assembly, terminating the repetitive inspections. This amendment is

prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the elevator cable tension regulator from becoming detached from the splined shaft of the assembly, which could result in difficulty adjusting the elevators, leading to reduced controllability of the airplane.

**DATES:** Effective March 28, 2001.

The incorporation by reference of Jetstream Service Bulletin J41-27-059, dated May 31, 2000, as listed in the regulations, is approved by the Director of the Federal Register as of March 28, 2001.

The incorporation by reference of Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999, as listed in the regulations, was approved previously by the Director of the Federal Register as of February 1, 2000 (64 FR 72531, December 28, 1999).

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, ANM-116, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99-26-18, amendment 39-11478 (64 FR 72531, December 28, 1999), which is applicable to all British Aerospace (Jetstream) Model 4101 airplanes, was published in the **Federal Register** on December 5, 2000 (65 FR 75879). The action proposed to continue to require repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. The action also proposed to require modification of the elevator cable tension regulator lever assembly, terminating the repetitive inspections.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No

comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 57 airplanes of U.S. registry that will be affected by this AD. The repetitive inspection that is currently required by AD 99-26-18 takes approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$120 per airplane, per inspection cycle.

The modification that is required in this AD will take approximately 6 work hours per airplane to accomplish at an average labor rate of \$60 per work hour. There will be no charge for required parts. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be \$20,520, or \$360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-11478 (64 FR 72531, December 28, 1999), and by adding a new airworthiness directive (AD), amendment 39-12116, to read as follows:

**2001-03-12 British Aerospace Regional Aircraft** (Formerly Jetstream Aircraft Limited British Aerospace (Commercial Aircraft) Limited): Amendment 39-12116. Docket 2000-NM-224-AD. Supersedes AD 99-26-18, Amendment 39-11478.

**Applicability:** All Model Jetstream 4101 airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent the elevator cable tension regulators from becoming detached from the splined shaft of the assembly, which could result in difficulty adjusting the elevators, leading to reduced controllability of the airplane, accomplish the following:

**Restatement of Certain Actions Required by AD 99-26-18****Inspection**

(a) Within 7 weeks after February 1, 2000 (the effective date of AD 99-26-18, amendment 39-11478), perform a detailed visual inspection of the elevator cable tension regulator lever assembly to detect discrepancies (including looseness and migration along the splines of the elevator cable tension regulator assembly), in accordance with Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours until accomplishment of paragraph (c) of this AD.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

**New Actions Required by This AD****Modification**

(b) If any discrepancy is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, perform the requirements of paragraph (c) of this AD.

(c) Except as required by paragraph (b) of this AD: Within 12 months after the effective date of this AD, modify the elevator cable tension regulators in accordance with Jetstream Service Bulletin J41-27-059, dated May 31, 2000.

(d) As of the effective date of this AD, no person shall install any elevator cable tension regulator lever assembly, unless that assembly has been modified in accordance with the requirements of paragraph (c) of this AD.

**Alternative Methods of Compliance**

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

**Special Flight Permits**

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Incorporation by Reference**

(g) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999; and Jetstream Service Bulletin J41-27-059, dated May 31, 2000; as applicable.

(1) This incorporation by reference of Jetstream Service Bulletin J41-27-059, dated May 31, 2000, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999, was approved previously by the Director of the Federal Register as of February 1, 2000 (64 FR 72531, December 28, 1999).

(3) Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in British airworthiness directive 006-05-2000.

**Effective Date**

(h) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 8, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-3696 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-CE-54-AD; Amendment 39-12115; AD 2001-03-11]

**RIN 2120-AA64**

**Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that are equipped with certain main landing gear (MLG) radius rods. This AD requires inspection of the MLG radius rods for cracks and replacement of any cracked rod. This AD is the result of mandatory continuing airworthiness

information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to detect and correct cracks in the MLG radius rods. Such cracks could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

**DATES:** This AD becomes effective on April 6, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 6, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-54-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:****Discussion**

*What events have caused this AD?* The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The CAA reports an incident where a MLG radius rod cylinder cracked, which allowed the gland nut to separate from the housing and caused the MLG unit to move 30 degrees outboard.

The cause has been traced to a quality control problem with the MLG manufacturer, APPH Ltd. In particular, the cause is inadequate countersinking of a drilled hole for the attachment of a flexible hose on a batch of MLG radius rods, part numbers 1847 and 1862, all suffixes.

*What are the consequences if the condition is not corrected?* Cracks in the MLG radius rods, if not detected and corrected, could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that are equipped with certain main landing gear (MLG) radius rods. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 2, 2000 (65 FR 65800). The NPRM proposed to require inspection of the MLG radius rods for cracks, with replacement of any cracked rod.

*Was the public invited to comment?* Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

#### FAA's Determination

*What is FAA's final determination on this issue?* After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor

editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

#### Cost Impact

*How many airplanes does this AD impact?* We estimate that this AD affects 264 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
10 workhours × \$60 per = \$600 .....	No parts required for inspection.	\$600 per airplane .....	\$600 × 264 = \$158,400.

We estimate the following costs to accomplish any necessary MLG radius rod replacements that will be required

based on the results of the inspection. We have no way of determining the

number of airplanes that may need MLG radius rod replacement:

Labor cost	Parts cost	Total cost per airplane
2 workhours × \$60 per hour = \$120 to accomplish each MLG radius rod replacement.	\$7,315 per MLG radius rod .....	\$120 + \$7,315 = \$7,435 per MLG radius rod that needs replaced.

#### Regulatory Impact

*Does this AD impact various entities?* The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

*Does this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final

evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

#### 2001-03-11 British Aerospace:

Amendment 39-12115; Docket No. 2000-CE-54-AD.

(a) *What airplanes are affected by this AD?* This AD affects HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, all serial numbers, that are:

- (1) Certificated in any category; and
- (2) Equipped with a main landing gear (MLG) radius rod, APPH Ltd. part number 1847 or 1862, all suffixes.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct cracks in the MLG radius rods. Such cracks could result in MLG failure during takeoff, landing, or taxi operations, with consequent loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Check the maintenance records to determine whether one of the affected MLG radius rods is installed.	Within the next 200 hours time-in-service (TIS) after April 6, 2001 (the effective date of this AD), unless already accomplished.	As specified in British Aerospace Mandatory Service Bulletin 32-JA 991140, Issued: April 14, 2000.

Actions	Compliance	Procedures
(2) If, by checking the maintenance records, you can positively show that one of the affected MLG radius rods is not installed, then the inspection and possible replacement requirements of this AD do not apply. Make an entry into the aircraft records that shows compliance with this portion of the AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Prior to further flight after checking the maintenance records.	Not Applicable.
(3) If, by checking the maintenance records, you find that one of the affected MLG radius rods is installed or you cannot positively show that one of the affected MLG radius rods is not installed, inspect any affected MLG radius rod for cracks.	Prior to further flight after checking the maintenance records, unless already accomplished.	In accordance with procedures in APPH Ltd. Service Bulletin 1847-32-07, dated February 2000; as applicable.
(4) If any MLG radius rod is found cracked, replace it with an FAA-approved MLG radius rod that is crack free.	Prior to further flight after the inspection.	In accordance with the procedures in the applicable maintenance manual.
(5) Do not install, on any affected airplane, a part number 1847 or 1862 MLG radius rod (all suffixes), unless it has been inspected and if found to be free of cracks as specified in paragraph (d)(3).	As of April 6, 2001 (the effective date of this AD).	Not Applicable.
(6) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may accomplish the actions required in paragraphs (d)(1) and (d)(2) of this AD.	Not Applicable .....	Not Applicable.

**Note 1:** British Aerospace Mandatory Service Bulletin 32-JA 991140, Issued: April 14, 2000; APPH Ltd. Service Bulletin 1847-32-07, dated February 2000; and APPH Ltd. Service Bulletin 1862-32-07, dated February 2000, state if no cracks are found during the inspection required in paragraph (d)(3), check the edge of the one-way restrictor bore and radius sharp edge with a 0.010 to 0.020 inch radius if required. The FAA highly recommends that this be accomplished.

**Note 2:** British Aerospace Mandatory Service Bulletin 32-JA 991140, Issued: April 14, 2000; APPH Ltd. Service Bulletin 1847-32-07, dated February 2000; and APPH Ltd. Service Bulletin 1862-32-07, dated February 2000, specify reporting the results of the inspections to British Aerospace Regional Aircraft. The FAA highly recommends that each owner/operator submit this information. British Aerospace and the British Civil Airworthiness Authority (CAA) will use this information to determine whether further action is necessary. The FAA will evaluate the information from the British CAA and may initiate further rulemaking action.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 3:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification,

alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with British Aerospace Mandatory Service Bulletin 32-JA 991140, Issued: April 14, 2000, APPH Ltd. Service Bulletin 1847-32-07, dated February 2000, and APPH Ltd. Service Bulletin 1862-32-07, dated February 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 6, 2001.

**Note 4:** The subject of this AD is addressed in British AD 002-04-2000, not dated.

Issued in Kansas City, Missouri, on February 7, 2001.

**William J. Timberlake,**  
Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 01-3799 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-47-AD; Amendment 39-12118; AD 2001-03-14]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Model A300 B4 Series Airplanes, and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600) Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes and all Airbus Model A300-600 series airplanes, that requires a one-time high frequency eddy current inspection to detect cracking of the splice fitting at fuselage frame (FR) 47 between stringers 24 and 25; and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking of the splice

fitting at fuselage FR 47, which could result in reduced structural integrity of the airplane.

**DATES:** Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300 series airplanes and all Airbus Model A300-600 series airplanes was published in the **Federal Register** on April 5, 2000 (65 FR 17822). That action proposed to require a one-time high frequency eddy current (HFEC) inspection to detect cracking of the splice fitting at fuselage frame (FR) 47 between stringers 24 and 25, and corrective actions, if necessary.

#### Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Airplane Model Designation and Change in AD Applicability

Since the issuance of the proposed AD, the FAA has determined that it is necessary to revise the manner in which it specifies the model designation for Airbus Model A300 and A300-600 series airplanes to reflect the designations that appear on the type certificate data sheet (TCDS). This final rule has been revised accordingly.

Additionally, an incorrect reference to Model A300 F4-200 series airplanes has been removed from paragraph (a)(2) of this final rule since that airplane model has not been type certificated in the United States.

Further, since the issuance of the proposed AD, the FAA also has determined that the applicability was stated incorrectly in the proposal. Airbus Model A300 B2K-3C airplanes were inadvertently included in the applicability of the proposed AD. Reference to that model has been removed from the applicability of this final rule.

In addition, the applicability of the proposed AD indicates that "All Model A300-600 series airplanes" and that "Model \* \* \* A300 B4-600, A300 B4-600R, and A300 F4-600R series airplanes on which Airbus Modification 5890 (Airbus Service Bulletin A300-53-0199) has been installed" are among the affected airplanes. However, Model A300 B4-600, A300 B4-600R, and A300 F4-600R series airplanes, which are commonly referred to as "Model A300-600 series airplanes," were mistakenly associated in the applicability of the proposed AD with Model A300 series airplanes on which Modification 5890 has been incorporated. The parallel French airworthiness directive 1999-515-298(B), dated December 29, 1999, indicates that all Model A300-600 series airplanes are affected. The FAA intended to mirror the applicability of the French airworthiness directive in the applicability of the proposed AD. Therefore, the applicability of this final rule has been revised to reflect the affected models as shown in the French airworthiness directive.

#### Request to Allow Flight with Cracks

One commenter, Airbus, requests that the proposed AD be revised to provide a 100-flight-cycle grace period for splice replacement under certain conditions. That is, this grace period would allow flight with cracks in the area from hole A to the edge, provided that inspection of the area between holes A and J reveals no cracks. Airbus states that flight with such cracks was allowed by the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, in its parallel French airworthiness directive for the following reasons. The commenter notes that its statements are justified in two technical notes and in a laboratory report.

There are three stages of crack propagation of the splice that occur in the following sequence:

- From hole A to the edge;
- Between hole A and hole J (hole B in the laboratory report);
- From hole J to failure of the splice (the duration of this phase is 1,600 flight cycles).

The first inspection specified in the All Operators Telex (AOT) is

accomplished to detect cracks from hole A to the edge. If a crack is found, then an inspection is performed between holes A and J. If no crack is found between holes A and J, then a grace period of 100 flight cycles is given for splice replacement. Since the measured crack propagation from hole J to splice failure is 1,600 flight cycles (as measured on the airplane having manufacturer's serial number 255), it is conservative to allow 100 flight cycles as a grace period for splice replacement. In addition, the structure can still sustain ultimate loads with the splice failed and limit loads with the splice plus frame failed. The 100-flight-cycle grace period is provided to allow operators to get a spare splice and plan the work.

The FAA concurs with the commenter's request to provide a 100-flight-cycle grace period for splice replacement under certain conditions, as specified in the referenced AOT's. While it is not the FAA's normal policy to allow flight with known cracks, in light of the technical data submitted by the manufacturer in this case, the FAA has determined that further flight with cracking in the situation described by the commenter can be permitted for the recommended 100-flight-cycle grace period. The FAA recognizes the unusual need that exists due to the work that is required to replace a splice fitting.

Further, the FAA finds that the cracks observed are sufficiently far from other known crack sites so that existing inspection programs can be considered valid independently from one another. In consideration of these findings and based on the FAA's criteria for flight with known cracking, the FAA has determined that further flight with cracking is permissible for a grace period of 100 flight cycles in this specific case.

It should be noted that Airbus specified the 100-flight-cycle grace period in the AOT's that are cited in this final rule. Now that the FAA is allowing that same grace period, this final rule has been revised to more closely parallel the actions and compliance times specified in the AOT's with one exception. (That exception involves contacting the FAA, rather than the manufacturer, for disposition of certain findings, which was explained in the preamble of the proposed AD.) Therefore, the FAA has revised the formatting of this final rule to coincide with the actions and compliance times specified in the AOT's.

#### Conclusion

After careful review of the available data, including the comment noted



above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

#### Cost Impact

The FAA estimates that 83 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required one-time HFEC inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$4,980, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-03-14 Airbus Industrie:** Amendment 39-12118. Docket 2000-NM-47-AD.

**Applicability:** All Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) series airplanes; and Model A300 B4 series airplanes on which Airbus Modification 5890 (Airbus Service Bulletin A300-53-0199) has been installed; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct cracking of the splice fitting at fuselage frame (FR) 47, which could result in reduced structural integrity of the airplane, accomplish the following:

#### Inspection and Corrective Actions

(a) Perform a high frequency eddy current (HFEC) inspection to detect cracking of the splice fitting at fuselage FR 47 between stringers 24 and 25 (left- and right-hand sides), in accordance with Airbus All Operators Telex (AOT) A300-53A0350 (for Model A300 series airplanes) or A300-600-53A6123 (for Model A300-600 series airplanes), both dated October 25, 1999; as applicable. Do the inspection at the applicable time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD. Perform applicable corrective actions (e.g., removing the nut at hole "A" and performing an inspection using a shielded probe; replacing the splice fitting with a new splice fitting; performing an inspection around fastener holes "A" to "N" on the face of FR 47 adjacent to the splice fitting), in accordance

with and at the times specified in the applicable AOT.

#### Compliance Times for Inspection of Model A300 Series Airplanes

(1) For Model A300 B4-100 series airplanes: Perform the HFEC inspection at the applicable time specified in paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) For airplanes that, as of the effective date of this AD, have accumulated fewer than 20,000 flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300-53-0199): Perform the HFEC inspection at the later of the times specified in paragraphs (a)(1)(i)(A) and (a)(1)(i)(B) of this AD.

(A) Within 10,900 flight cycles or 22,000 flight hours since installation of Airbus Modification 5890, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that, as of the effective date of this AD, have accumulated 20,000 or more flight cycles since installation of Airbus Modification 5890: Perform the HFEC inspection within 750 flight cycles after the effective date of this AD.

(2) For Model A300 B4-200 series airplanes: Perform the HFEC inspection at the applicable time specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) For airplanes that, as of the effective date of this AD, have accumulated fewer than 20,000 flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300-53-0199): Perform the HFEC inspection at the later of the times specified in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this AD.

(A) Within 8,950 flight cycles or 18,600 flight hours since installation of Airbus Modification 5890, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that, as of the effective date of this AD, have accumulated 20,000 or more flight cycles since installation of Airbus Modification 5890 (Airbus Service Bulletin A300-53-0199): Perform the HFEC inspection within 750 flight cycles after the effective date of this AD.

#### Compliance Times for Inspection of Model A300-600 Series Airplanes

(3) For Model A300-600 series airplanes on which Airbus Modification 5890 is not installed: Perform the HFEC inspection at the applicable time specified in paragraph (a)(3)(i) or (a)(3)(ii) of this AD.

(i) For airplanes that have accumulated fewer than 10,000 total flight cycles as of the effective date of this AD: Perform the HFEC inspection at the later of the times specified in paragraphs (a)(3)(i)(A) and (a)(3)(i)(B) of this AD.

(A) Prior to the accumulation of 2,500 total flight cycles or 6,400 total flight hours, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective of this AD.

(ii) For airplanes that have accumulated 10,000 or more total flight cycles as of the effective date of this AD: Perform the HFEC inspection within 500 flight cycles after the effective date of this AD.



(4) For Model A300–600 series airplanes on which Airbus Modification 5890 is installed: Perform the HFEC inspection at the applicable time specified in paragraph (a)(4)(i) or (a)(4)(ii) of this AD.

(i) For airplanes that have accumulated fewer than 10,000 total flight cycles as of the effective date of this AD: Perform the one-time HFEC inspection at the later of the times specified in paragraph (a)(4)(i)(A) and (a)(4)(i)(B) of this AD.

(A) Prior to the accumulation of 6,500 total flight cycles or 16,700 total flight hours, whichever occurs earlier.

(B) Within 1,500 flight cycles after the effective date of this AD.

(ii) For airplanes that have accumulated 10,000 or more total flight cycles as of the effective date of this AD: Perform the HFEC inspection within 500 flight cycles after the effective date of this AD.

#### Disposition of Certain Crack Findings

(b) Where Airbus AOT A300–53A0350 (for Model A300 series airplanes) or A300–600–53A6123 (for Model A300–600 series airplanes), both dated October 25, 1999, specifies to contact Airbus in case of certain crack findings, this AD requires that a repair be accomplished in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

#### Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch ANM–116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

#### Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(e) Except as required by paragraph (b) of this AD, the actions shall be done in accordance with Airbus All Operators Telex A300–53A0350, dated October 25, 1999; or Airbus All Operators Telex A300–600–53A6123, dated October 25, 1999; as applicable.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a)

and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in French airworthiness directive 1999–515–298(B), dated December 29, 1999.

#### Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01–3852 Filed 2–20–01; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000–NM–102–AD; Amendment 39–12120; AD 2001–04–02]

**RIN 2120–AA64**

#### Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes, that requires inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, and follow-on corrective actions. This amendment is necessary to prevent contact between the nuts of the Wiggins fuel couplers and the stiffener on the access panel of the upper surface of the right wing, which could compromise the lightning protection of the fuel tank of the right wing in the event of a lightning strike, and could result in possible fuel tank explosion. This action is intended to address the identified unsafe condition.

**DATES:** Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained

from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes was published in the **Federal Register** on November 7, 2000 (65 FR 66657). That action proposed to require inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, and follow-on corrective actions.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 195 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the actions (inspection) specified in Part A of of Bombardier Alert Service Bulletin A8–28–32, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be \$11,700, or \$60 per airplane.

It will take approximately 2 work hours per airplane to accomplish the actions (rework) specified in Part B of the alert service bulletin, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these

required actions on U.S. operators is estimated to be \$23,400, or \$120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001-04-02 Bombardier, Inc. (Formerly de Havilland, Inc.): **Amendment 39-12120.** Docket 2000-NM-102-AD.

**Applicability:** Model DHC-8-100, -200, and -300 series airplanes having serial numbers 003 through 540 inclusive; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent contact between the nuts of the Wiggins fuel couplers and the stiffener on the access panel of the upper surface of the right wing, which could compromise the lightning protection of the fuel tank of the right wing in the event of a lightning strike, and could result in possible fuel tank explosion, accomplish the following:

### General Visual or X-ray Inspection

(a) Within 90 days after the effective date of this AD: Perform a one-time general visual or X-ray inspection to determine the orientation of the Wiggins fuel couplers of the fuel tank vent line and scavenge line in the right wing at station 249, in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-32, dated January 14, 2000.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

### Action for Airplanes Having Correctly Oriented Fuel Couplers

(b) For airplanes on which the orientation of all Wiggins fuel couplers is found to be correct, as specified in Bombardier Alert Service Bulletin A8-28-32, dated January 14, 2000: Within 5,000 flight hours after the effective date of this AD, rework the stiffener on the access panel of the upper surface of the right wing in accordance with Part B of the Accomplishment Instructions of the alert service bulletin.

### Actions for Airplanes Having an Incorrectly Oriented Fuel Coupler

(c) For airplanes on which the orientation of any Wiggins fuel coupler is incorrect, as specified in Bombardier Alert Service Bulletin A8-28-32, dated January 14, 2000: Prior to further flight, remove the incorrectly oriented Wiggins fuel coupler, and perform a one-time detailed visual inspection to detect damage of the fuel coupler, in accordance with Part A of the Accomplishment Instructions of the alert service bulletin.

**Note 3:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) If no damage is found: Prior to further flight, reinstall the Wiggins fuel coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

(2) If any damage is found, prior to further flight, blend out the damage and perform a detailed visual inspection of the fuel coupler for cracks, in accordance with the alert service bulletin.

(i) If no crack is found, and blending CAN be accomplished to meet the limits specified in the Accomplishment Instructions of the alert service bulletin: Prior to further flight, reinstall the Wiggins fuel coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

(ii) If any crack is found, or if blending CANNOT be accomplished to meet the limits specified in the Accomplishment Instructions of the alert service bulletin: Prior to further flight, replace the Wiggins fuel coupler with a new or serviceable coupler in the correct orientation, as specified in the alert service bulletin, and rework the stiffener on the access panel of the upper surface of the right wing, in accordance with Part B of the Accomplishment Instructions of the alert service bulletin. No further action is required by this AD.

### Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 4:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the New York ACO.

### Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

### Incorporation by Reference

(f) The actions shall be done in accordance with Bombardier Alert Service Bulletin A8-28-32, dated January 14, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 5:** The subject of this AD is addressed in Canadian airworthiness directive CF-2000-05, dated February 28, 2000.

### Effective Date

(g) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-3851 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-253-AD; Amendment 39-12119; AD 2001-04-01]

**RIN 2120-AA64**

### Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ series airplanes, that requires repetitive non-destructive testing inspections to detect cracking at the fuselage end of the inner sidestays

of the main landing gear (MLG) by the anti-rotation pin, and replacement of the sidestay with a new sidestay, if necessary. This amendment is necessary to detect and correct fatigue cracking of the inner sidestays of the MLG, which could result in failure of the MLG. This action is intended to address the identified unsafe condition.

**DATES:** Effective March 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes was published in the **Federal Register** on October 30, 2000 (65 FR 64632). That action proposed to require repetitive non-destructive testing inspections to detect cracking at the fuselage end of the inner sidestays of the main landing gear by the anti-rotation pin, and replacement of the sidestay with a new sidestay, if necessary.

### Manufacturer Name Change

Since the issuance of the proposed AD, the manufacturer has notified the FAA that it has changed its name from British Aerospace to BAe Systems (Operations) Limited. The final rule has been changed to reflect the recent company name change.

### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has

determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

### Cost Impact

The FAA estimates that 60 Model BAe 146 and Model Avro 146-RJ series airplanes, of U.S. registry will be affected by this AD. It will take approximately 1 work hour per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$3,600, or \$60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-04-01 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39-12119. Docket 2000-NM-253-AD.

**Applicability:** All Model BAe 146-100A, -200A, and -300A series airplanes, and all Model Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A series airplanes; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the inner sidestays of the main landing gear (MLG), which could result in failure of the MLG, accomplish the following:

#### Inspection

(a) Prior to the accumulation of 8,000 total flight cycles on the MLG sidestays, or within 500 flight cycles after the effective date of this AD, whichever occurs later: Perform a non-destructive testing (NDT) inspection to detect cracking at the fuselage end of the inner sidestays of the MLG by the anti-rotation pin, in accordance with Messier-Dowty Service Bulletin 146-32-148, including Appendix A, dated April 17, 2000. Repeat the inspection thereafter at intervals not to exceed 4,000 flight cycles.

#### Replacement

(b) If any cracking is found during any inspection required by paragraph (a) of this AD, prior to further flight, replace the sidestay with a new sidestay in accordance with BAE Systems Service Bulletin SB.32-157, dated June 2, 2000.

## Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

## Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

## Incorporation by Reference

(e) The actions shall be done in accordance with Messier-Dowty Service Bulletin 146-32-148, including Appendix A, dated April 17, 2000; and BAE Systems Service Bulletin SB.32-157, dated June 2, 2000; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in British airworthiness directive 001-06-2000.

## Effective Date

(f) This amendment becomes effective on March 28, 2001.

Issued in Renton, Washington, on February 9, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-3850 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-CE-19-AD; Amendment 39-12122; AD 2001-04-04]

RIN 2120-AA64

### Airworthiness Directives; Dornier Luftfahrt GMBH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all Dornier Luftfahrt GMBH (Dornier) Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 airplanes that have windshield spray nozzle option SCN 3109 installed. This AD requires you to deactivate the windshield spray nozzle heating elements. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent the windshield spray nozzle heating system from overheating, which could result in smoke in the cockpit and prompt the crew to initiate emergency actions.

**EFFECTIVE DATE:** This AD becomes effective on April 6, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany; telephone: (08153) 302631; facsimile: (08153) 304463. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-19-AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

*What events have caused this AD?* The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified FAA that an unsafe condition may exist on all Dornier Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212

airplanes. The LBA reported an incident where the windshield spray nozzle overheated and generated smoke in the cockpit. This prompted the crew to initiate an emergency evacuation during engine start.

The airplane had windshield spray nozzle option SCN 3109 installed.

*What are the consequences if the condition is not corrected?* If this system overheats, smoke could enter the cockpit and prompt the crew to initiate emergency actions.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes that have windshield spray nozzle option SCN 3109 installed.

This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 26, 2000 (65 FR 64176). The NPRM proposed to require you to deactivate the windshield spray nozzle heating elements.

*Was the public invited to comment?* Interested persons were afforded an opportunity to participate in the making

of this amendment. We have given due consideration to the comment received.

#### Comment Disposition

*What is the commenter's concern?* Dornier requests that FAA withdraw the AD because no airplanes on the U.S. Register have windshield spray nozzle option SCN 3109 installed and, therefore no airplanes are subject to the AD.

*What is FAA's response to the concern?* We do not concur. Although there may not be any airplanes on the U.S. Register that have this installation, the AD is still justified. Issuing an AD is the only way to assure that:

- The installation is not incorporated on any U.S.-registered airplane in the future; or
- The actions are accomplished on any airplane that is imported from another country and placed on the U.S. Register.

We have not changed the AD as a result of this comment. We have modified the Cost Impact section of this document to reflect the information that Dornier provided.

#### The FAA's Determination

*What is FAA's Final Determination on this Issue?* After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

#### Cost Impact

*How many airplanes does this AD impact?* We estimate that 9 airplanes in the U.S. registry could have windshield spray nozzle option 3109 installed. Based on information received from Dornier, none of these 9 airplanes incorporate this option.

Therefore, this AD imposes no cost impact at this time on U.S. owners/operators of these airplanes. The following presents cost data if an airplane with this option installed was imported from another country and placed on the U.S. Register:

Labor cost	Parts cost	Total cost per airplane
1 workhour × \$60 per hour = \$60 .....	Not applicable .....	\$60 per airplane.

#### Regulatory Impact

*Does this AD impact various entities?* The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

*Does this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this action (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

#### 2001–04–04 Dornier Luftfahrt GmbH:

Amendment 39–12122; Docket No. 99–CE–19–AD.

(a) *What airplanes are affected by this AD?* This AD affects Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes, all serial numbers, that:

- (1) are certificated in any category; and
- (2) have windshield spray nozzle option SCN 3109 installed.

(b) *Who must comply with this AD?*

Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?*

The actions specified by this AD are intended to prevent the windshield spray nozzle heating system from overheating, which could result in smoke in the cockpit and prompt the crew to initiate emergency actions.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
(1) Deactivate the windshield spray nozzle heating elements by cutting wire ME16F20 at the splice at frame 7. Cap (MS2574-2 caps) and stow cables.	Within the next 100 hours time-in-service (TIS) after April 6, 2001 (the effective date of this AD), unless already accomplished.	Dornier All Operators Telefax (AOT) No. AOT-228-30-022, dated September 9, 1998, references this action.
(2) Do not install, on any affected airplane, windshield spray nozzle option SCN 3109.	As of April 6, 2001 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 1:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany; telephone: (08153) 302631; facsimile: (08153) 304463. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

**Note 2:** The subject of this AD is addressed in German AD Number 1999-030/2, dated April 8, 1999.

(i) *When does this amendment become effective?* This amendment becomes effective on April 6, 2001.

Issued in Kansas City, Missouri, on February 8, 2001.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-4048 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-01-010]

#### Drawbridge Operation Regulations: Hackensack River, NJ

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Lincoln Highway Bridge, at mile 1.8, across the Hackensack River at Jersey City, New Jersey. This deviation authorizes the bridge owner to operate the bridge from February 12, 2001 through April 10, 2001, as follows: The draw shall open on signal; except that, Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required. This action is necessary to facilitate maintenance at the bridge.

**DATES:** This deviation is effective from February 12, 2001 through April 10, 2001.

**FOR FURTHER INFORMATION CONTACT:** Judy Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The Lincoln Highway Bridge, at mile 1.8, across the Hackensack River, has a vertical clearance of 35 feet at mean high water, and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations require the bridge to open on signal at all times.

The bridge owner, New Jersey Department of Transportation, requested

a temporary deviation from the drawbridge operating regulations to facilitate necessary structural maintenance at the bridge. This deviation from the operating regulations allows the bridge owner to operate the bridge from February 12, 2001 through April 10, 2001, as follows: The draw shall open on signal; except that, Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay.

Vessels that can pass under the bridge without an opening may do so at all times during the closed period.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 30, 2001.

**G.N. Naccara,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 01-4227 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-15-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Ch. I

[CC Docket No. 99-273; FCC 01-27]

#### Provision of Directory Listing Information Under the Telecommunications Act of 1934

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts some of the tentative conclusions contained in the *Subscriber List Information/Directory Assistance Order and Notice*

of *Proposed Rulemaking (SLI/DA Order and Notice)*. Specifically, the Federal Communications Commission (Commission) concludes that competing directory assistance (DA) providers that offer call completion services provide telephone exchange or telephone toll service and thus are entitled to nondiscriminatory access to all local exchange carrier (LEC) directory assistance, including access to LEC local directory-assistance databases compiled by LECs. In this *First Report and Order*, the Commission also resolves issues relating to directory publishing, specifically, the Commission concludes that the language concerning directory publishing "in any format" encompasses telephone directories on the Internet.

**DATES:** Effective February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Cooke, 202/418-2351, Fax 202/418-2345, TTY 202/418-0484, gcooke@fcc.gov, Network Services Division, Common Carrier Bureau, or Pam Slipakoff, 202/418-7705, Fax 202/418-2345, TTY 202/418-0484, pslipako@fcc.gov, Network Services Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Commission's First Report and Order*, CC Docket No. 99-273, FCC 01-27 (*First Report and Order*), adopted January 19, 2001 and released January 23, 2001. The full text of the *First Report and Order* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY-A257, 445 12th Street, SW, Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 445 12th Street, SW, Suite CY-B400, Washington, DC 20554, phone (202) 857-3800.

**Synopsis of the First Report and Order in CC Docket No. 99-273**

1. In September 1999, the Commission released *SLI/DA Order and Notice*, CC Docket Nos. 96-115, 96-98, 99-273, *Third Report and Order*, *Second Order on Reconsideration*, and *Notice of Proposed Rulemaking*, 14 FCC Rcd 15550 (1999), 64 FR 51910 (September 9, 1999) in which the Commission tentatively concluded that the presence of competing directory assistance providers benefits competition and that such providers are unable fully to compete without nondiscriminatory access to the incumbent LECs' directory assistance databases. This *First Report and Order* adopts some of the tentative conclusions

contained in the *SLI/DA Order and Notice*.

2. Specifically, in the *First Report and Order*, the Commission concludes that under section 251(b)(3) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), competing DA providers that provide offer call completion services for local or toll calls provide telephone exchange or telephone toll service, respectively, as defined within the Act, and thus are entitled to nondiscriminatory access to all directory assistance, including access to local directory-assistance databases compiled by LECs. In this *First Report and Order* the Commission also stated that the competitive provision of directory assistance is a necessary element of competitive local telecommunications market, and that Congress recognized it as such in section 251 of the Act. To the extent that such DA providers qualify under section 251(b)(3) of the Act, the Commission finds that LEC failure to provide such action not only violates section 251(b)(3), but may also violate section 201(b).

3. In the *First Report and Order*, the Commission also explains that, where a DA provider completes the call and charges the customer, this service comes within the meaning of telephone exchange service and telephone toll services as defined in sections 3(47) and 3(48) of the Act, respectively. DA providers that qualify for nondiscriminatory access under section 251(b)(3) of the Act also are subject to obligations such as contributing for universal service, Telecommunications Relay Service, paying appropriate assessments for Local Number Portability administration, and North American Numbering Plan Administration.

4. In addition, the Commission concludes that when a competing local exchange carrier (CLEC) or an interexchange carrier (IXC), having entered an interconnection agreement with the relevant LEC, designates a DA provider to act as their agent, that competing DA provider is entitled to nondiscriminatory access to the providing LECs' local DA database. The Commission declines to adopt rules permitting the LEC to restrict the use of subscriber information to the specific carrier-principal for which the purchase was made. Furthermore, the Commission declines to limit the manner in which DA providers use the information beyond the limitation announced in the *Local Competition Second Report and Order*.

5. In the *SLI/DA Order and Notice* the Commission sought comment on whether DA providers falling outside of 251(b)(3) would nevertheless qualify for protection under sections 201(b) and 202(a). The Commission does not address these issues in the *First Report and Order*, but may address them in a separate proceeding.

6. The Commission also concludes that LECs are not required to grant competing DA providers nondiscriminatory access to non-local directory assistance databases that the LECs acquire from third parties because LECs do not exercise bottleneck control over such databases. However, to the extent that a carrier provides access to national DA information to any other DA provider, including another LEC, it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions as required by this *First Report and Order*.

7. In addition, section 251(b)(3) of the Act and the Commission's rules prohibit LECs from charging discriminatory rates for access to DA databases to competing DA providers that fall within the protection of that section. Thus, LECs must offer access to their DA database at rates that do not discriminate among the entities to which they provide access. Further, failure to provide directory assistance at nondiscriminatory and reasonable rates to DA providers within the protection of section 251(b)(3) may also constitute an unjust charge under section 201(b). The Commission notes that for its requirement that LECs charge nondiscriminatory rates for DA to have any effect, competing DA providers must have access to the pertinent terms, conditions, and pricing data. Thus, in order to make this nondiscrimination requirement meaningful, the Commission would expect carriers to comply with section 252 and make rates, terms, and conditions data available to requesting parties in a timely manner. The Commission also declines to adopt, for DA purposes, the rate methodology for subscriber list information under section 222(e) of the Act. It concludes that, because of the statutory differences between directory assistance and directory publishing, the Commission can not at this time justify setting a rate that would apply to both access to directory assistance databases and directory publishing. The Commission's decision not to impose a specific pricing structure on directory assistance notwithstanding our jurisdiction over DA does not preclude a state commission from doing so. In such cases, the Commission would



adopt the state rate as its own, subject to the Title II requirements of reasonableness and nondiscrimination as set forth in this order. Parties that wished to challenge such rates on the basis of non-compliance with Title II could do so before the Commission in an enforcement proceeding.

8. The *First Report and Order* also resolves other issues relating to directory publishing. Specifically, the Commission concludes that the language concerning directory publishing "in any format" in section 222(e) of the Act applies to entities that seek subscriber list information to publish telephone directories on the Internet. In addition, because an Internet directory is published when Internet users are able to access it, a directory publisher that requests subscriber list information for purposes of placing it on the Internet is seeking that information "for the purpose of publishing a directory" within the meaning of section 222(e). The Commission finds that extending the guarantees of section 222(e) to publishers of telephone directories on the Internet will further enhance competition in the market for directory publishing. In addition, the Commission believes that specific LEC-mandated use restrictions are not necessary to ensure that the interests of LECs are protected. Thus, the Commission concludes that publishers of telephone directories on the Internet should be permitted to use the data for the purpose for which it was purchased and should not be restricted in the manner in which they display or allow customers to access the data.

9. Finally, the Commission finds that the oral provisioning of directory assistance does not constitute "publication" for the purposes of section 222(e), and thus conclude that directory assistance should not be regulated under that section. The Commission also concludes that the statutory differences between directory assistance and directory publishing should continue to be observed. In the future, if directory assistance and directory publishing evolve to resemble one another more closely, the Commission may revisit this issue.

#### Final Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making (Notice)* in this docket, CC Docket No. 99-273. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. No comments on the IRFA were received.

This present Final Regulatory Flexibility Certification (Final Certification) conforms to the RFA.

11. The RFA requires an analysis of any notice-and-comment type rule making if the rule will result in a "significant economic impact" on "a substantial number of small entities." There are four categories of entities that might be affected by the requirements contained in this *First Report and Order*. None of these categories reaches the threshold of a significant economic impact on a substantial number of small entities. First, the requirements adopted herein are expected to have a significant positive economic impact on a substantial number of small competitive directory assistance providers and small directory publishers. Although, the requirements included in this *First Report and Order* do not directly affect these entities, the requirements, once in place, should ensure the ability of these entities to provide services on a competitively neutral basis. Second, the Commission expects these requirements to have a positive economic impact on some CLECs. Many CLECs, both small and large, rely upon small competitive directory assistance providers to outsource their directory assistance services; the requirements contained herein should result in more competition in the directory assistance arena and therefore a savings to these CLECs. Third, these requirements may have an adverse economic impact on incumbent LECs that are Bell Operating Companies (BOCs). Each BOC is a large, national company, affiliated with a Regional Holding Company (RHC). All BOCs and their RHCs have more than 1,500 employees, placing these entities above the small business size standard established by the Small Business Administration. Therefore, although the effect of these requirements may result in a "significant economic impact" to a BOC it will not result in a "significant economic impact" to a small entity. Fourth, the Commission anticipates that any cost incurred as a result of the requirement that small incumbent LECs electronically transfer their directory assistance data will be nominal and will not result in a "significant economic impact" on these small entities. The Commission therefore certifies, pursuant to the RFA, that the requirements adopted in the present *First Report and Order* will not have a significant economic impact on a substantial number of small entities.

#### Report to Congress

12. The Commission will send a copy of this *First Report and Order*, including a copy of this Final Certification, in a

report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *First Report and Order* and this Final Certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

#### Ordering Clauses

13. Pursuant to Sections 1, 3, 4, 201, 222, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201, 222, and 251, the *First Report and Order* is hereby *Adopted*, and the requirements contained herein will become effective February 21, 2001.

14. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *First Report and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of Small Business Administration.

15. The Final Regulatory Flexibility Certification for this *First Report and Order*, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

Federal Communications Commission.

Magalie Roman Salas,  
Secretary.

[FR Doc. 01-4213 Filed 2-20-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 20 and 24

[DA 01-361]

### Minor Editorial Amendments to the Commercial Mobile Radio Services and Personal Communications Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action amends two rule sections so that they use the current, rather than previous, names and subpart designations of the Public Mobile Services, and it also amends another rule section in order to revise an erroneous cross-reference.

**DATES:** Effective February 21, 2001.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** B.C. "Jay" Jackson, Jr. (202) 418-1309.

**SUPPLEMENTARY INFORMATION:** This Order makes minor, non-substantive revisions to 47 CFR part 20 and 47 CFR



part 24. Specifically, 47 CFR 20.9, paragraphs (a)(6) through (a)(9), and 47 CFR 20.20, paragraph (e) of this section, are amended to use the current names and subpart designations of Public Mobile Services as set forth in 47 CFR part 22. These sections currently refer to these services by previous names and subpart designations. Additionally, 47 CFR 24.133(a) is amended to revise an erroneous reference to another rule section. Currently the rule refers to a “§ 99.132(f)”. However, 47 CFR part 99 no longer exists; the correct reference is to “§ 24.132(f)” (47 CFR 24.132(f)). Because the rule amendments adopted herein are non-substantive, notice and public procedure thereon are found to be unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B), and the required publication may be made less than 30 days prior to the effective date, pursuant to 5 U.S.C. 553(d).

#### List of Subjects

##### 47 CFR Part 20

Radio.

##### 47 CFR Part 24

Reporting and recordkeeping requirements.

Federal Communications Commission.

**Andrew S. Fishel,**  
Managing Director.

#### Rule Changes

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 20 and 24 as follows:

#### PART 20—COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for part 20 continues to read as follows:

**Authority:** 47 U.S.C. 154, 160, 251–254, 303 and 332 unless otherwise noted.

2. Section 20.9 is amended by revising paragraphs (a)(6), (a)(7), (a)(8) and (a)(9) to read as follows:

##### § 20.9 Commercial mobile radio service.

(a) \* \* \*

(6) Paging and Radiotelephone Service (part 22, subpart E of this chapter).

(7) Cellular Radiotelephone Service (part 22, subpart H of this chapter).

(8) Air-Ground Radiotelephone Service (part 22, subpart G of this chapter).

(9) Offshore Radiotelephone Service (part 22, subpart I of this chapter).

\* \* \* \* \*

3. In § 20.20, paragraph (e), in the definition for *Broadband Commercial Radio Service (Broadband CMRS)*,

remove the words “Domestic Public Cellular Radio Telecommunications Service” and add, in their place, the words “Cellular Radiotelephone Service.”

#### PART 24—PERSONAL COMMUNICATIONS SERVICE

4. The authority citation for part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332.

5. Section 24.133 is amended by revising paragraph (a) introductory text to read as follows:

##### § 24.133 Emission limits.

(a) The power of any emission shall be attenuated below the transmitter power (P), as measured in accordance with § 24.132(f), in accordance with the following schedule:

\* \* \* \* \*

[FR Doc. 01–4210 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–U

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01–274; MM Docket No. 00–73; RM–9861]

#### Radio Broadcasting Services; Hornbrook, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 255A to Hornbrook, California, as that community’s first local aural transmission service in response to a proposal filed on behalf of Logan and Company. See 65 FR 33799, May 25, 2000. This document also holds that two amended applications for Channel 254C1 at Keno, Oregon, cannot be considered in this proceeding because the applicants were not eligible to file an application for Channel 254C1 by the counterproposal deadline in this proceeding. Coordinates used for Channel 255A at Hornbrook, are those of a restricted site located 3.7 kilometers (2.3 miles) southwest of the community at 41–53–06 NL and 122–35–03 WL.

**DATES:** Effective March 26, 2001. A filing window for Channel 255A at Hornbrook, California, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Report and Order, MM Docket No. 00–73, adopted January 24, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Hornbrook, Channel 255A.

Federal Communications Commission.

**John A. Karousos,**  
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4209 Filed 2–20–01; 8:45 am]

BILLING CODE 6712–01–P

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### 49 CFR Part 37

[OST Docket 98–3648]

#### Transportation for Individuals With Disabilities—Accessibility of Over-the-Road Buses (OTRBs)

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Interim final rule; correction.

**SUMMARY:** This rule makes an editorial correction to the preamble of the recently published interim final rule amending the Department of Transportation’s regulations concerning accessibility of over-the-road buses (OTRBs). The interim final rule was published in the **Federal Register** on Tuesday, February 6, 2001 (66 FR 9048)

and becomes effective on March 8, 2001. Written comments on the interim final rule must be submitted on or before March 8, 2001. The interim final rule may be changed in light of the comments received.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Blane A. Workie, Office of the General Counsel, C-50, (202) 366-4723, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** The interim final rule amending 49 CFR part 37, erroneously asks whether the Department should “propose requiring acquisition of accessible buses in some situations where on-call service is not permitted”? Instead, the question should have been whether the Department should “propose requiring acquisition of accessible buses in some situations where on-call service is now permitted”? This correction notice is to rectify this typographical mistake.

Issued in Washington, DC, this 9th day of February, 2001 under authority delegated to me by 49 CFR 1.57(l).

**Rosalind A. Knapp,**

*Acting General Counsel.*

[FR Doc. 01-4223 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-62-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 021301C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

#### **ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the pollock total allowable catch (TAC) for Statistical Area 630 outside the Shelikof Strait conservation area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 14, 2001, until 1200 hrs, A.l.t., March 15, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area is 5,474 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season allowance of the pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,874 mt, and is setting aside the remaining 600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional

Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season pollock TAC specified for Statistical Area 630 outside the Shelikof Strait conservation area in the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season pollock TAC specified for Statistical Area 630 outside the Shelikof Strait conservation area constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 13, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-4158 Filed 2-14-01; 4:37 pm]

**BILLING CODE 3510-22-S**

# Proposed Rules

Federal Register

Vol. 66, No. 35

Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-396-AD]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A Military), and -40 Series Airplanes; and Model MD-10-10F and MD-10-30F Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes, and Model MD-10-10F and MD-10-30F series airplanes, that currently requires, among other actions, performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. This action, among other actions, would add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allow repetitive torque verifications. This proposal is prompted by a review that revealed inadvertent omission of a requirement. The actions specified by the proposed AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H-11 attaching bolts, which could result in reduced controllability of the airplane.

**DATES:** Comments must be received by April 9, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-396-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-396-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ron Atmur, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5224; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-396-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-396-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On August 10, 2000, the FAA issued AD 2000-16-10, amendment 39-11866 (65 FR 50621, August 21, 2000), applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes, and Model MD-10-10F and MD-10-30F series airplanes, to require performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. That AD also requires replacing all bolts with bolts made from Inconel, which constitutes terminating action for the repetitive inspection requirements. That action was prompted by an in-flight loss of the inboard flap assembly on an airplane during approach for landing. The requirements of that AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H-11 attaching bolts, which could

result in reduced controllability of the airplane.

#### Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has reviewed the requirements of AD 2000-16-10 and found that we inadvertently omitted a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps.

The procedures for this verification were identified in McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999, which was referenced in AD 2000-16-10 as the appropriate source of service information for accomplishing the requirements of that AD. Also, we inadvertently included a requirement to perform an ultrasonic inspection of the attaching bolts on the inboard support on the inboard flap assembly; this area is not subject to the identified unsafe condition. In addition, under certain conditions, that AD only requires repetitive ultrasonic inspections, rather than repetitive torque verifications or ultrasonic inspections, as indicated in the referenced service bulletin. In light of these findings, we find that AD 2000-16-10 needs to be superseded to correct these inaccuracies and adequately address the identified unsafe condition (i.e., failure of H-11 attaching bolts could result in an in-flight loss of inboard and outboard flap assemblies, and consequent reduced controllability of the airplane).

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2000-16-10 to continue to require repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. The proposed AD also would continue to require replacing all bolts with bolts made from Inconel, which would constitute terminating action for the repetitive inspection requirements. Also, the proposed AD would add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allow repetitive torque verification in lieu of the repetitive ultrasonic inspections. The actions would be required to be accomplished per

McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999.

#### Cost Impact

There are approximately 412 Model McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes, and Model MD-10-10F and MD-10-30F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 244 airplanes of U.S. registry would be affected by this proposed AD.

The inspection/torque verification that is currently required by AD 2000-16-10, and retained in this proposed AD, takes approximately between 2 and 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between \$29,280 and \$117,120, or between \$120 and \$480 per airplane, per inspection cycle.

The bolt replacement that is currently required by AD 2000-16-10, and retained in this proposed AD, takes approximately 288 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$2,987 per airplane. Based on these figures, the cost impact of the currently required replacement on U.S. operators is estimated to be \$4,945,148, or \$20,267 per airplane.

The cost impact of the new torque verification proposed in this AD is included in the cost estimate above for the inspection/torque verification.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal

would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-11866 (65 FR 50621, August 21, 2000), and by adding a new airworthiness directive (AD), to read as follows:

**McDonnell Douglas:** Docket 2000-NM-396-AD. Supersedes AD 2000-16-10, Amendment 39-11866.

**Applicability:** Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes; and Model MD-10-10F and MD-10-30F series airplanes; as listed in McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent in-flight loss of inboard and outboard flap assemblies due to failure of H-11 attaching bolts, which could result in reduced controllability of the airplane, accomplish the following:

#### **Inspection or Torque Verification, and Corrective Actions, if Necessary**

(a) Within 2 months after September 25, 2000, (the effective date of AD 2000-16-10, amendment 39-11866), do an ultrasonic inspection of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verify the torque of the attaching bolts on the inboard support on the outboard flap, per McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999.

(1) If no failed bolt is found, repeat the ultrasonic inspection or torque verification every 6 months.

(2) If any failed bolt is found, before further flight, replace the bolt and associated parts with a new Inconel bolt and new associated parts per the service bulletin, except as provided by paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Accomplishment of the replacement constitutes terminating action for the repetitive requirements of paragraph (a)(1) of this AD for that bolt.

(i) If an Inconel bolt is not available for accomplishment of the replacement, replacement with a new H-11 steel bolt is acceptable provided that operators repeat the ultrasonic inspection or torque verification every 6 months until the requirements of paragraph (c) of this AD are accomplished.

(ii) If a PLI washer is not available for accomplishment of the Inconel replacement, a new Inconel bolt can be temporarily installed without a new PLI washer provided that the bolt is torqued to the applicable value specified in the service bulletin.

Within 6,000 flight hours after an Inconel bolt is torqued, replace the PLI washer with a new washer per the service bulletin.

#### **Torque Verification**

(b) For airplanes on which the verification of the torque of the attaching bolts on the inboard support on the outboard flap was done per paragraph (a) of this AD: Within 2 months after the effective date of this AD, verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, per McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999; and do the applicable action(s) specified in paragraph (a)(1) or (a)(2) of this AD.

#### **Bolt Replacement**

(c) Within 2 years after accomplishing the initial inspection required by paragraph (a) of this AD or the torque verification required by paragraphs (a) and (b) of this AD, do the action specified in paragraph (a)(2) of this AD for all H-11 bolts.

Accomplishment of the replacement of all H-11 bolts with Inconel bolts constitutes

terminating action for the requirements of this AD.

#### **Spares**

(d) As of 2 years after the effective date of this AD, no person shall install, on any airplane, an H-11 steel bolt, part number 71658-8-44, 71658-7-44, 71658-7-54, 71658-7-56, 71658-7-29, 71658-9-31, 71658-9-34, 71658-9-38, 71658-9-41, 71658-10-41, 71658-7-26, 71658-7-27, or 71658-8-29, on the inboard or outboard flap assembly.

#### **Alternative Methods of Compliance**

(e)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(2) Alternative methods of compliance, approved previously per AD 2000-16-10, amendment 39-11866, are considered to be approved as alternative methods of compliance with this AD.

#### **Special Flight Permits**

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-4221 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-U**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 2000-NM-320-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Boeing Model 747-400 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747-400 series airplanes. This proposal would require

an inspection to detect miswiring of diodes in the heating system of the pitot static probes, and corrective action, if necessary. This action is necessary to prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by April 9, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-320-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-320-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2788; fax (425) 227-1181.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained

in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-320-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-320-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received reports indicating that several operators have found burnt diodes in the heating system of the pitot static probes on certain Boeing Model 747-400 series airplanes. Investigation revealed that diodes in the power reduction circuitry were miswired. The miswiring results in the probe-head heat element always being at full-power, while the probe strut heater is only at half-power. If the probe strut heater is only at half-power, ice may accumulate on the pitot static probes. This condition, if not corrected, could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747-30A2078, Revision 1, dated November

16, 2000, which describes procedures for an inspection to detect miswiring of diodes in the heating system of the pitot probes. The inspection involves using a multimeter to verify continuity between certain relay sockets, absence of a diode between certain relay sockets, and diode orientation between certain relay sockets. If any miswiring is found, the service bulletin specifies to rewire per Boeing 747-400 Wiring Diagrams 30-31-11 and 30-31-21. Doing the actions in the service bulletin is intended to adequately address the identified unsafe condition.

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require operators to do the actions specified in the service bulletin described previously, except as discussed below.

#### Differences Between This Proposed AD and the Service Bulletin

Operators should note that, although the service bulletin recommends accomplishing the inspection at the earliest maintenance opportunity when manpower and facilities are available, the FAA has determined that this compliance time may not ensure that the identified unsafe condition is addressed in a timely manner. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed AD. In light of all of these factors, the FAA finds a 15-month compliance time to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators also should note that, while the service bulletin describes only an inspection/verification that necessitates use of a multimeter, this proposed AD refers to this inspection/verification as a "special detailed inspection." The definition of a "special detailed inspection" is included as a note in the proposed AD.

#### Cost Impact

There are approximately 497 airplanes of the affected design in the worldwide fleet. The FAA estimates that 69 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours

per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$8,280, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Boeing:** Docket 2000-NM-320-AD.

**Applicability:** Model 747-400 series airplanes, as listed in Boeing Alert Service Bulletin 747-30A2078, Revision 1, dated November 16, 2000; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent reduced power to the heating system of the pitot static probes, leading to ice accumulation on the pitot static probes, which could result in erroneous airspeed or altitude indications to the flight crew, and consequent reduced operational safety in all phases of flight, accomplish the following:

#### Inspection

(a) Within 15 months after the effective date of this AD, perform a special detailed inspection to detect miswiring of diodes in the heating system of the pitot static probes by using a multimeter to verify continuity between certain relay sockets, absence of a diode between certain relay sockets, and diode orientation between certain relay sockets, per Boeing Alert Service Bulletin 747-30A2078, Revision 1, dated November 16, 2000. If any miswiring is found, rewire per Boeing 747-400 Wiring Diagrams 30-31-11 and 30-31-21, as referenced in the service bulletin.

**Note 2:** Inspections accomplished prior to the effective date of this AD per Boeing Alert Service Bulletin 747-30A2078, dated August 24, 2000, are considered acceptable for compliance with the applicable action specified in this amendment.

**Note 3:** For the purposes of this AD, a special detailed inspection is defined as: "An intensive examination of a specific item(s), installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedures may be required."

#### Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-4220 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-251-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747 series airplanes. This proposal would require repetitive high frequency eddy current inspections to find cracking of the bulkhead frame support at body station 2598 under the hinge support fittings of the horizontal stabilizer, and repair if cracking is found. This action is necessary to find and fix fatigue cracking in the frame support, which could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by April 9, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-251-AD, 1601 Lind Avenue, SW.,

Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-251-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1153; fax (425) 227-1181.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by



interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-251-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-251-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received a report indicating that a fatigue crack (1.25 inches in length) was found on the bulkhead frame support under the hinge support fittings of the horizontal stabilizer at body station (BS) 2598 on a Model 747-200F series airplane. The airplane had accumulated approximately 13,488 total flight cycles and 58,697 total flight hours at the time the crack was found. Such cracking in the frame support, if not found and fixed, could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747-53A2449, dated June 8, 2000. The service bulletin describes procedures for repetitive open-hole high frequency eddy current inspections to find cracking of the bulkhead frame support located on the left and right sides at BS 2598 under the hinge support fittings of the horizontal stabilizer. If cracking is found, the service bulletin specifies to contact Boeing for repair instructions.

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

#### Difference Between Service Bulletin and This Proposed AD

The service bulletin specifies that the manufacturer must be contacted for repair of certain conditions, but this proposal would require the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a method to be approved, the approval letter must specifically reference this AD.

#### Cost Impact

There are approximately 1,314 airplanes of the affected design in the worldwide fleet. The FAA estimates that 258 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours (4 work hours per side) per airplane to accomplish the proposed inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$123,840, or \$480 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Boeing:** Docket 2000-NM-251-AD.

**Applicability:** Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747-53A2449, dated June 8, 2000, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To find and fix fatigue cracking in the bulkhead frame support at body station (BS) 2598 under the hinge support fittings of the horizontal stabilizer, which could result in inability of the structure to carry horizontal stabilizer flight loads and reduced controllability of the horizontal stabilizer, accomplish the following:

#### Repetitive High Frequency Eddy Current (HFEC) Inspections

(a) Before the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later: Do an open-hole HFEC



inspection to find cracking of the bulkhead frame support under the hinge support fittings of the horizontal stabilizer on the left and right sides at BS 2598, per Figure 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2449, dated June 8, 2000. Repeat the inspection after that at intervals not to exceed 3,000 flight cycles.

#### Repair

(b) If any cracking is found during any inspection required by paragraph (a) of this AD, before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

#### Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permit

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-4219 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-179-AD]

RIN 2120-AA64

#### **Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to all BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ series airplanes, that would have superseded an existing AD that currently requires a one-time inspection for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary. The proposed AD would have required a one-time inspection for "drill marks" and corrosion, and corrective actions, if necessary, per new procedures. For certain airplanes, the proposed AD would have added a requirement for one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers for paint debris and inadequacy of the existing protective treatment coating; and corrective actions, if necessary. This new action revises the proposed rule by requiring repetitive inspections for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary, until all corrective actions and protective treatment actions are done. The actions specified by this new proposed AD are intended to prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane.

**DATES:** Comments must be received by March 19, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-179-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-179-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the

FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

#### **FOR FURTHER INFORMATION CONTACT:**

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-179-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-179-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

## Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to all British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on July 27, 2000 (65 FR 46119). That NPRM:

- Proposed to supersede AD 98-16-24, amendment 39-10701 (63 FR 42220, August 7, 1998), which is applicable to all British Aerospace Model BAe 146 and certain Model Avro 146-RJ series airplanes.

- Would have continued to require a one-time inspection for "drill marks" and corrosion on the underside of the wing top skin, and corrective actions, if necessary.

- Would have added a requirement for one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers for paint debris and inadequacy of the existing protective treatment coating; and corrective actions, if necessary.

- Was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority.

- Was intended to prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane.

## Actions Since Issuance of Previous Proposal

Due consideration has been given to the comments received in response to the NPRM.

## Request to Revise the Inspection and Corrective Action Requirements

One commenter, BAe Systems, requests adding a corrective action to paragraph (a)(1) of the original NPRM, and specifying repetitive inspections until the corrective action is accomplished. The commenter states that inspections of the underside of the wing top skin should continue until the corrective action is accomplished, regardless of whether any discrepancies (drill marks or corrosion) are found. These changes are necessary because operators cannot be sure that the proposed [one-time intrascopic] inspection will identify slight damage that, in the long run, could result in corrosion. The commenter points out that it could take a minimum of 4 years for slight damage (due to "drill marks" in the protective coating) to reach a level that could be detected by an

inspection. In addition, the commenter has reported the following findings:

- On a number of production airplanes, during assembly of Stringer Crown Dagger fittings at Ribs 0 and 2, "drill marks" were produced on the underside of the wing top skin. These small marks impaired the protective treatment in that area.

- The terminating action specified in British Aerospace Service Bulletin SB.57-50 was to restore the surface protection per Repair Instruction Leaflet (R.I.L.) HC573H9014. However, following the closing action specified in that R.I.L., paint debris was found in the fuel tanks.

The FAA concurs with the commenter's request to revise the proposed NPRM to require certain corrective actions even if no "drill mark" or corrosion is detected. After considering the information provided by the manufacturer, we have made the following determinations:

- For airplanes on which protective treatment coating has NOT been applied per British Aerospace Service Bulletin SB.57-50, and for airplanes on which the inspection required by AD 98-16-24, amendment 39-10701, has NOT been done, if no "drill mark" or corrosion is detected, paragraph (a)(1) of this AD requires operators to repeat the intrascopic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years, until the protective treatment coating is applied, which is terminating action.

- For airplanes on which the protective coating HAS been applied prior to the effective date of this AD per Service Bulletin SB.57-50, paragraph (b) of this AD requires operators to do one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers to detect discrepancies (including paint debris and inadequacy of existing protective treatment coating) at the next scheduled maintenance inspection ("C-check") or within 6 months after the effective date of this AD, whichever occurs first.

We consider that the option to either continue inspections or do the terminating action will avoid placing an undue burden on some operators, while still ensuring an adequate level of safety for the fleet. In addition, we have determined that a shorter compliance time and more detailed inspections are necessary for airplanes on which the protective treatment coating has been applied per Service Bulletin SB.57-50. Paragraphs (a), (a)(1), and (a)(2) of this AD have been revised accordingly.

## Request To Revise Company Name

That same commenter requests that we change the name of the company responsible for the Model BAe Avro 146 type certificate from British Aerospace Regional Aircraft American Support to BAe Systems (Operations) Limited in the proposed AD.

The FAA concurs with the commenter's request to change the name of the company to BAe Systems (Operations) Limited. We point out that this name was changed in the Type Certificate Data Sheet, and we have revised the company name throughout this AD accordingly.

## Clarification of Service Information

The FAA has revised **Note 3** of this proposed AD to further clarify a reference for an additional source of service information for accomplishing the inspection action, and to add a reference for an additional source of information for accomplishing the protective treatment actions.

## Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

## Cost Impact

There are approximately 39 Model BAe 146 and Model Avro 146-RJ series airplanes of U.S. registry that would be affected by this proposed AD.

The inspection for "drill marks" and corrosion that is proposed in this AD action would take approximately 10 work hours per airplane (including access and close) to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$600 per airplane, per inspection cycle.

The inspection for paint debris and inadequacy of the existing protective treatment coating that is proposed in this AD action would take approximately 8 work hours per airplane (including access and close) to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be \$480 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

## Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Docket 2000–NM–179–AD.

**Applicability:** All Model BAe 146 series airplanes; and Model Avro 146–RJ airplanes, as listed in British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an

alternative method of compliance per paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane, accomplish the following:

### Intrascopic Inspection: "Drill Marks" and Corrosion

(a) For airplanes on which protective treatment coating has NOT been applied per British Aerospace Service Bulletin SB.57–50 [reference Repair Instruction Leaflet (R.I.L.) HC573H9014], and for airplanes on which the inspection required by AD 98–16–24, amendment 39–10701, has not been accomplished as of the effective date of this AD: Within 6 months after the effective date of this AD, perform an intrascopic inspection for "drill marks" and corrosion on the underside of the wing top skin, per British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

(1) If no "drill mark" or corrosion is detected, repeat the intrascopic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years, until the terminating action required by paragraph (c) of this AD is done.

(2) If any corrosion is detected, prior to further flight, repair per a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Directorate; or the Civil Aviation Authority (CAA) of the United Kingdom (or its delegated agent).

(3) If any "drill mark" is detected, or if any corrosion is detected and repaired, prior to further flight, do the terminating action required by paragraph (c) of this AD.

**Note 2:** Accomplishment of an intrascopic inspection for "drill marks" and corrosion prior to the effective date of this AD, per British Aerospace Service Bulletin SB.57–50, Revision 2, dated March 20, 1997, is acceptable for compliance with the inspection requirements of paragraph (a) of this AD.

### Detailed Visual and Borescopic Inspections: Paint Debris and Inadequate Protective Treatment Coating

(b) For airplanes on which protective treatment coating HAS been applied prior to the effective date of this AD per British Aerospace Service Bulletin SB.57–50 [reference R.I.L. HC573H9014]: At the next scheduled maintenance inspection ("C-check") or within 6 months after the effective date of this AD, whichever occurs first, do one-time detailed visual and borescopic inspections of the fuel tank, pump, and stringers to detect discrepancies (including paint debris and inadequacy of existing protective treatment coating); per Paragraph D. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

(1) If no discrepancy is found, no further action is required by this AD.

(2) If any discrepancy is found, prior to further flight, do all applicable corrective actions (including removal of paint debris and testing of paint adhesion), and the terminating action required by paragraph (c) of this AD, per British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000.

**Note 3:** Paragraph B. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000, references R.I.L. HC573H9024 as an additional source of service information for accomplishing the intrascopic inspection. Paragraph C. of the Accomplishment Instructions of the service bulletin references R.I.L. HC573H9032 as an additional source of service information for applying the protective treatment coating.

**Note 4:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

### Terminating Action

(c) Application of the protective treatment coating, per Paragraph C. of the Accomplishment Instructions of British Aerospace Inspection Service Bulletin ISB.57–57, dated February 25, 2000, constitutes terminating action for the requirements of this AD.

### Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 5:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

### Special Flight Permits

(e) Special flight permits may be issued per §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 13, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-4218 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 413, 415 and 417

[Docket No. FAA-2000-7953; Notice No. 00-10]

RIN 2120-AG37

#### Licensing and Safety Requirements for Launch

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** This action extends the comment period for an NPRM that was published on October 25, 2000. In that document, the FAA proposed to amend its regulations to codify its license application process for launch from a non-federal launch site, and to codify its safety requirements for all licensed launches. This extension is a result of requests from International Launch Services, Lockheed Martin Corporation, Orbital Sciences Corporation, Sea Launch Company, LLC and The Boeing Company to extend the comment period to the proposal.

**DATES:** Comments must be received on or before April 23, 2001.

**ADDRESSES:** Comments on this document should be mailed or delivered, in duplicate, to: U.S. Department of Transportation Dockets, Docket No. FAA-2000-7953, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays, except Federal holidays. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: <http://dms.dot.gov> at any time. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site.

**FOR FURTHER INFORMATION CONTACT:** Michael Dook, Licensing and Safety Division (AST-200), Associate Administrator for Commercial Space Transportation, Federal Aviation

Administration, DOT, Room 331, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8462; or Laura Montgomery, Office of the Chief Counsel (AGC-200), Federal Aviation Administration, DOT, Room 915, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3150.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in duplicate to the Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

The Administrator will consider all comments received on or before the closing date before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals contained in this rulemaking may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a pre-addressed, stamped postcard with those comments on which the following statement is made: "Comments to Docket No. FAA-2000-7953." The postcard will be date stamped and mailed to the commenters.

##### Availability of NPRMs

An electronic copy is available on the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on "search."

(3) On the next page, which contains the Docket summary information for the Docket selected, click on the proposed rule.

An electronic copy is also available on the Internet through FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the **Federal Register's** web page at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Further, a copy may be obtained by submitting a written request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the notice number or docket number of this proposed rule.

##### Background

The Associate Administrator for Commercial Space Transportation of the Federal Aviation Administration (FAA), Department of Transportation (DOT), published a notice proposing to amend the FAA's commercial space transportation regulations (October 25, 2000, 65 FR 63921). The FAA proposes to amend its regulations to codify its license application process for launch from a non-federal launch site. A non-federal launch site is a launch site not located on a federal launch range. The proposed regulations are also intended to codify the safety requirements for launch operators regarding license requirements, criteria, and responsibilities in order to protect the public from the hazards of launch for launch from a federal launch range or a non-federal launch site.

##### Extension of Comment Period

In accordance with § 404.13 of Title 14, Code of Federal Regulations, the FAA has reviewed the petitions made by International Launch Services, Lockheed Martin Corporation, Orbital Sciences Corporation, Sea Launch Company, LLC and The Boeing Company for extension of the comment period to Notice No. 00-10. These petitioners jointly requested an extension of time of 180 days to permit more time to address substantial issues in the notice of proposed rulemaking. To allow additional time for a more thorough review of applicable issues and drafting of responsive comments, the FAA finds that there is good cause and it is in the public interest to extend the comment period for an additional 60 days beyond the 120 already provided. Accordingly, the comment period for Notice No. 00-10 is extended until April 23, 2001.

Issued in Washington, DC, on February 15, 2001.

**Patricia Grace Smith,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 01-4378 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 284

[Docket No. RM96-1-015]

#### Standards For Business Practices Of Interstate Natural Gas Pipelines

February 14, 2001.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice of staff conference organization.

**SUMMARY:** This document establishes the organizational format for the staff conference to be held on February 27, 2001 to discuss standards to permit shippers to designate and rank the contracts under which gas will flow on a pipeline's system.

**DATES:** The conference will be held February 27, 2001.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426.

#### FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

#### SUPPLEMENTARY INFORMATION:

#### Notice Organizing Staff Conference

This notice provides the organizational format for the February 27, 2001, Federal Energy Regulatory Commission staff conference to discuss cross-contract ranking and confirmation standards, as directed by the Commission in Order No. 587-M.<sup>1</sup> The conference will begin at 9:30 a.m. at the Commission's offices, 888 First Street, NE., Washington, DC. All interested persons are invited to attend.

The December 21, 2000, Notice of Conference<sup>2</sup> requested those interested in making presentations or participating in the discussions to indicate their interest by January 16, 2001. Ten

requests to make presentations or participate in discussions were received. The conference will be organized in the following format. Members of the audience also will be permitted to participate in the discussions.

#### I. Introduction to Nomination and Confirmation Practices and the Current GISB Standards

**Presentations:**

Sylvia Munson, Co-Chairman of GISB Confirmation and Cross-Contract Ranking Subcommittee  
James Buccigross, Chairman of GISB Executive Committee

#### II. Presentations and Discussion on Downstream Issues Related to Cross-Contract Ranking

**Presentations:**

Representative of Consolidated Edison Co. of NY, Inc. and Orange and Rockland Utilities, Inc.  
Representative of the Interstate Natural Gas Association of America  
Michael E. Novak, National Fuel Gas Distribution Corp.  
Greg Lander, Principal, Skipping Stone, Inc.

**Discussion:**

Mark A. Scheel, Manager Regulatory Affairs, Dynegy, Inc.  
Diane McVicker, Principal Analyst, Salt River Project Representative of Wisconsin Distributor Group

#### III. Presentations and Discussion on Upstream Issues Related to Cross-Contract Ranking

**Presentations:**

Lauren Kaestner, Natural Gas Supply Association  
Representative of the Interstate Natural Gas Association of America

**Discussion:**

Tommie Hartmann, Natural Gas Supply Association

The Commission has the capability to provide overhead projectors and to display computer generated slide presentations. Presenters must inform Michael Goldenberg either by mail, or E-Mail at the addresses below if they intend to use overheads.<sup>3</sup> Presenters can bring their presentations on their own laptops which will be connected to the Commission's display system.

Presenters also can use a Commission computer to display their presentation. The Commission has the capability to display presentations in the following formats, MS Powerpoint 2000 and Corel

Presentations 8. Those wanting to use a Commission computer must notify Michael Goldenberg by February 21, 2001. In order to facilitate such presentations, presenters are encouraged to provide their files in advance by sending an E-Mail, with the slide presentation as an attachment, by February 21, 2001, to Michael Goldenberg, so that the presentation can be tested on the Commission computer and available at the conference. If presentations are not provided in advance, the presenter should bring the presentation to the conference on a diskette in one of the specified formats.

In addition, all presentations must be officially filed with the Commission by March 5, 2001 according to the instructions given below regardless whether an advance copy of the presentation was provided by E-Mail. As discussed below, the Commission cannot currently accept Powerplant or Presentation files electronically, but the presentations can be filed electronically if they are converted to one of the accepted formats.

The conference will be transcribed, so those not attending can review the proceedings. Additional comments on the issues raised by the conference can be filed by March 29, 2001.

Presentations and after-conference comments may be filed either in paper format or electronically. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM96-1-015.

Presentations and comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at [www.ferc.fed.us](http://www.ferc.fed.us) and click on "Make An E-Filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202-208-0258 or by E-Mail to [efiling@ferc.fed.us](mailto:efiling@ferc.fed.us). Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington DC 20426, during regular business hours. Additionally, all comments may be

<sup>1</sup> Standards For Business Practices Of Interstate Natural Gas Pipelines, Order No. 587-M, 65 FR 77285 (Dec. 11, 2000), 93 FERC ¶ 61,223 (November 30, 2000), III FERC Stats. & Regs. Regulations Preambles ¶ 31,114 (Nov. 30, 2000).

<sup>2</sup> 65 FR 82961 (Dec. 29, 2000).

<sup>3</sup> Upon receipt of each E-Mail, a reply acknowledgment will be sent to the sender's E-Mail address. If a sender does not receive a reply, the sender should call to make sure his/her E-Mail was received.

viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202-208-2222, or by E-Mail to [rismaster@ferc.fed.us](mailto:rismaster@ferc.fed.us).

The Capitol Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at 703-993-3100 or visit the website ([www.capitolconnection.gmu.edu](http://www.capitolconnection.gmu.edu)). The Capitol Connection also offers FERC Open Meetings through its Washington, DC area television service.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202-966-2211.

Those interested in obtaining transcripts of the conference need to contact Ace Federal Reporters, at 202-347-3700. Anyone interested in purchasing videotapes of the meeting should call VISCOM at 703-715-7999.

Questions about the conference should be directed to: Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, 202-208-2294. [michael.goldenberg@ferc.fed.us](mailto:michael.goldenberg@ferc.fed.us)

**Linword A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4207 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 54

[REG-130477-00; REG-130481-00]

RIN 1545-AY69, 1545-AY70

#### Required Distributions From Retirement Plans; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains corrections to a notice of proposed

rulemaking and notice of public hearing REG-130477-00 and REG-130481-00 which were published in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3928). These regulations relate to required minimum distributions from qualified plans, individual retirement plans, deferred compensation plans under section 457 and section 403(b) annuity contracts, custodial accounts and retirement income accounts.

**FOR FURTHER INFORMATION CONTACT:** Cathy A. Vohs, (202) 622-6090 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The notice of proposed rulemaking and notice of public hearing that is the subject of these corrections is under sections 401(a), 403(b), 408 and 4974 of the Internal Revenue Code.

##### Need for Correction

As published REG-130477-00 and REG-130481-00 contain errors which may prove to be misleading and are in need of clarification.

##### Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG-130477-00 and REG-130481-00), which are the subject of FR Doc. 01-304, is corrected as follows:

1. On page 3930, column 1, in the preamble under the paragraph heading "Overview", first full paragraph in the column, first bullet statement, line ten, the language "beginning date shall no longer need" is corrected to read "beginning date, no longer need".

2. On page 3930, column 2, in the preamble under the paragraph heading "The Uniform Distribution Period", first paragraph, line 17, the language "§ 1.401(a)-5 of the new proposed" is corrected to read "§ 1.401(a)(9)-5 of the new proposed".

3. On page 3933, column 1, in the preamble under the paragraph heading "IRA Reporting of Required Minimum Distributions" first paragraph, line four, the language "IRAs, IRA trustees determining the" is corrected to read "IRAs, IRA trustees, custodians, and issuers determining the".

4. On page 3933, column 1, in the preamble under the paragraph heading "IRA Reporting of Required Minimum Distributions" first paragraph, line 13, the language "require the trustee of each IRA to report" is corrected to read "require the trustee, custodian, or issuer of each IRA to report".

5. On page 3934, column 1, in the preamble under the paragraph heading

"Amendment of Qualified Plans", first paragraph following the introductory text, lines 2 and 3, the language "Plan made in calendar years beginning on or after January 1, 2000 (ALTERNATIVELY," is corrected to read "Plan made for calendar years beginning on or after January 1, 2001 (ALTERNATIVELY".

6. On page 3934, column 1, in the preamble under the heading "Amendment of Qualified Plans", first paragraph following the introductory text, line 16, the language "section 401(a)(9) or such other date specified" is corrected to read "section 401(a)(9) or such other date as may be specified".

7. On page 3934, column 2, in the preamble under the paragraph heading "Special Analyses" lines 5 thru 13, the language "regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to" is corrected to read "regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that, when determining the minimum required distribution in cases where a plan participant wishes to designate a trust as beneficiary of the participant's benefit, the reporting burden is primarily on the plan participant, or trustee of the trust named as beneficiary, to supply information rather than on the entity maintaining the retirement plan and the fact that the number of participants per plan to whom the burden applies is insignificant. The recordkeeping burden with respect to section 403(b) contracts under which the pre-1987 account balance must be maintained applies only to issuers and custodians of those contracts, which generally are not small entities. Accordingly, a Regulatory Flexibility Analysis is not required. Pursuant to".

##### § 1.401(a)(9)-2 [Corrected]

8. On page 3936, column 2, § 1.401(a)(9)-2, paragraph (a) of A-6, line 7 from the bottom of the paragraph, the language "and § 1.401(a)(9)-4, and not section" is corrected to read "and § 1.401(a)(9)-3, and not section".

##### § 1.409(a)(9)-5 [Corrected]

9. On page 3941, column 2, § 1.401(a)(9)-5, paragraph (a) of A-6, line 7, the language "must be computed

using of the expected” is corrected to read “must be computed using the expected”.

**§ 1.401(a)(9)-6 [Corrected]**

10. On page 3942, column 3, line 2 of the section heading of § 1.401(a)(9)-6, the language “distributions as annuity payments.” is corrected to read “distributions from defined benefit plans.”.

11. On page 3944, column 1, § 1.401(a)(9)-6, paragraph (a)(2) of A-3, line 13, the language “the calendar year that contains on the” is corrected to read “the calendar year that contains the”.

12. On page 3945, column 2, § 1.401(a)(9)-6, paragraph (a) of A-10, lines 11 and 12 from the bottom of the paragraph, the language “starting date but before the annuity starting date determined under A-2 of” is corrected to read “starting date but before the required beginning date determined under A-2 of”.

**§ 1.401(a)(9)-8 [Corrected]**

13. On page 3947, column 1, § 1.401(a)(9)-8, paragraph (b) of A-2, line 6 from the bottom of the paragraph, the language “401(a)(9)(B)(iii) and (iv) even through” is corrected to read “401(a)(9)(B)(iii) and (iv) even though”.

14. On page 3949, column 1, § 1.409(a)(9)-8, paragraph A-13, line 6, the language “section 242(b) was preserved.” is corrected to read “section 242(b) of TEFRA was preserved.”.

**§ 1.403(b)-2 [Corrected]**

15. On page 3950, column 1, § 1.403(b)-2, paragraph (c) of A-2, lines 1 and 2, the language “(c) The pre-’86 account balance and the post-’87 account balance have no” is corrected to read “(c) The pre-’87 account balance and the post-’86 account balance have no”.

**§ 1.408-8 [Corrected]**

16. On page 3950, column 3, § 1.408-8, paragraph A-4, second line from the bottom of the column, the language “the IRA or, as permitted under A-8 of” is corrected to read “the IRA or, as permitted under A-9 of”.

17. On page 3951, column 3, § 1.408-8, paragraph A-8, line 15, the language “provided in A-4(a) of § 1.401(a)(9)-7 in” is corrected to read “provided in A-4 of § 1.401(a)(9)-7 in”.

18. On page 3951, column 3, § 1.408-8, paragraph Q-9, line 3, the language “permitted to distributed from another” is corrected to read “permitted to be distributed from another”.

19. On page 3952, column 1, § 1.408-8, paragraph Q-10, line 1, the language

“Q-10. Is the trustee of an IRA required” is corrected to read “Q-10. Is the trustee, custodian, or issuer of an IRA required”.

20. On page 3952, column 1, § 1.408-8, paragraph A-10, line 1, the language “A-10. Yes. The trustee of an IRA is” is corrected to read, “A-10. Yes. The trustee, custodian, or issuer of an IRA is”.

**§ 54.4974-2 [Corrected]**

21. On page 3952, column 1, § 54.4974-2, paragraph A-1, last line in the column, the language “Q&A-6 provides a special rule for” is corrected to read “Q&A-7 provides a special rule for”.

22. On page 3953, column 1, § 54.4974-2, the introductory text of paragraph (b) of A-4, line 7 from the top of the column, the language “A-2 of this section. If the annuity” is corrected to read “A-3 of this section. If the annuity”.

23. On page 3953, column 3, § 54.4974-2, paragraph Q-5, line 5, the language “to be distributed under section, what is” is corrected to read “to be distributed under section 401(a)(9), what is”.

24. On page 3954, column 1, § 54.4974-2, paragraph A-7, line 5 from the bottom of the paragraph, the language “year which contains the employee’s” is corrected to read “year which contains the employee’s or individual’s”.

25. On page 3954, column 1, § 54.4974-2, paragraph A-7, last line of the paragraph, the language “the employee’s required beginning date.” is corrected to read “the employee’s or individual’s required beginning date.”.

26. On page 3954, column 1, § 54.4974-2, paragraph (b)(1) of A-8, second line from the bottom of the paragraph, the language “employee’s death before the employee’s” is corrected to read “employee’s or individual’s death before the employee’s or individual’s”.

27. On page 3954, column 2, § 54.4974-2, paragraph (b)(2) of A-8, last line of the paragraph, the language “employee’s date of death.” is corrected to read “employee’s or individuals date of death.”.

**Cynthia Grigsby,**

*Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).*

[FR Doc. 01-3635 Filed 2-20-01; 8:45 am]

**BILLING CODE 4830-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 01-374, MM Docket No. 01-41, RM-10058]

**Digital Television Broadcast Service; Merced, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Sainte 51, L.P., permittee of station KNSO(TV), NTSC channel 51, Merced, California, requests the substitution of DTV channel 5 for station KNSO(TV)’s assigned DTV 38. DTV Channel 5 can be allotted to Merced, California, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (37-04-18 N. and 119-25-53 W.). As requested, we propose to allot DTV Channel 5 to Merced with a power of 12.9 and a height above average terrain (HAAT) of 756 meters.

**DATES:** Comments must be filed on or before April 9, 2001, and reply comments on or before April 24, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Anne Goodwin Crump, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Arlington, Virginia 22209-3801 (Counsel for Sainte 51, L.P.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Notice of Proposed Rule Making, MM Docket No. 01-41, adopted February 13, 2001, and released February 14, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter



is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under California is amended by removing DTV Channel 38 and adding DTV Channel 5 at Merced.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4208 Filed 2-20-01; 8:45 am]

BILLING CODE 6712-01-U

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 224

[I.D. 072600A]

##### Endangered and Threatened Species; Re-opening of Comment Period and Notice of Public Hearing on Proposed Range Extension for Endangered Steelhead in Southern California

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; public hearing and re-opening of public comment period.

**SUMMARY:** NMFS is re-opening the public comment period for, and has scheduled a public hearing on, the proposal to extend the current range of endangered steelhead in southern California. NMFS has received several

requests for a public hearing that would allow further opportunity for the public to participate in an exchange of information among interested parties and to provide oral and written testimony on the proposal. NMFS has determined that these requests are reasonable and has scheduled a public hearing and re-opened the public comment period to facilitate the receipt of the public's views on the proposal.

**DATES:** A public hearing is scheduled in San Clemente, California on March 12, 2001, from 6 p.m. to 9 p.m. Written comments on the proposed range extension must be received by March 22, 2001.

**ADDRESSES:** The public hearing will be held at the City of San Clemente's Community Center Auditorium which is located at 100 N. Calle Seville in San Clemente, CA. Written comments on the proposed range extension and requests for reference materials should be sent to the Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Craig Wingert, (562) 980-4021, or Chris Mobley, (301) 713-1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov).

##### SUPPLEMENTARY INFORMATION:

##### Background

In August 1997, NMFS listed the Southern California steelhead Evolutionarily Significant Unit (ESU) as an endangered species and defined its southern limit as Malibu Creek in Los Angeles County, CA, based on the information available at that time. On December 19, 2000, (65 FR 79328), NMFS issued a proposed rule to extend the current range of the Southern California steelhead ESU southward to include the population of steelhead recently found in San Mateo Creek which is located in northern San Diego County. This proposal was based on recent information indicating that steelhead had been found in two coastal river watersheds south of Malibu Creek, and had successfully spawned in San Mateo Creek. Within this redefined Southern California steelhead ESU, NMFS proposed to list naturally spawned steelhead and their progeny which reside below naturally occurring and man-made barriers.

NMFS did not announce any public hearings in its December 19, 2000 (65 FR 79328) proposal, but did indicate that it would consider requests for

hearings received by February 2, 2001. In late January 2001, NMFS received several requests for a public hearing to be held on this proposal. Requests for a public hearing were received from California Trout, the California Native Plant Society, the Sierra Club, Trout Unlimited, the Surfrider Foundation, South Coast Audubon, and several private individuals. NMFS has determined that these requests are reasonable, and, therefore, has scheduled a public hearing and is re-opening the public comment period to accommodate the hearing as well as provide sufficient notice of the hearing date and location. During the extended public comment period, NMFS is continuing to solicit any specific information, comments, data, and/or recommendations on any aspect of the December 19, 2000, proposal from all interested parties. In particular, NMFS is requesting information or data as described in the **Federal Register** document announcing the proposed range extension (see 65 FR 79328). This information is considered important in helping NMFS make a final determination on its proposal.

NMFS will consider all information, comments, and recommendations received during the extended comment period and the public hearing before reaching a final decision on the proposal.

Dated: February 15, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-4290 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-22-S

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 010208032-1032-01; I.D. 121200L]

RIN 0648-AM47

##### Fisheries of the Northeastern United States; Proposed 2001 Specifications for the Atlantic Bluefish Fishery; Regulatory Amendment

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed 2001 specifications for the Atlantic bluefish fishery; regulatory amendment; request for comments.



**SUMMARY:** NMFS proposes 2001 specifications for the Atlantic bluefish fishery, including a total allowable harvest level (TAL), state-by-state commercial quotas, and recreational harvest limits and possession limits for Atlantic bluefish off the east coast of the United States. The intent of the specifications is to conserve and manage the bluefish resource and provide for sustainable fisheries. NMFS also proposes to amend the regulations implementing the Fishery Management Plan for Atlantic Bluefish (FMP) to specify the procedures for setting the annual TAL.

**DATES:** Public comments must be received no later than 5:00 p.m., Eastern Standard Time, on March 23, 2001.

**ADDRESSES:** Send written comments on the proposed specifications should to Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope: "Comments--2001 Bluefish Specifications." Comments may also be sent via facsimile (fax) to (978) 281-9371. Comments will not be accepted if submitted via e-mail or the Internet.

Send comments on any ambiguity or unnecessary complexity arising from the language used in this proposed rule to the Regional Administrator.

Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Preliminary Regulatory Economic Evaluation (EA/RIR/PREE), and the Essential Fish Habitat Assessment are available from the Regional Administrator at the same address. The EA/RIR/IRFA or PREE are accessible via the Internet at <http://www.nero.gov/ro/doc/nr.htm>.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fishery Policy Analyst, (978) 281-9104, e-mail at [M.A.Raizin@noaa.gov](mailto:M.A.Raizin@noaa.gov), fax at (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations implementing the FMP prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648, subparts A and J. Regulations requiring annual specifications are found at § 648.160. The FMP requires that the Council recommend, on an annual basis, TAL, which is comprised of a commercial quota and recreational harvest limit.

The FMP also requires that (1) The TAL for any given year be set based on the fishing mortality rate (F) resulting from the stock rebuilding schedule contained in Amendment 1 to the FMP, or the estimated F in the most recent

fishing year, whichever is lower and (2) a total of 17 percent of the TAL be allocated to the commercial fishery, as a quota, with the remaining 83 percent allocated as a recreational harvest limit, with the stipulation that, if 17 percent of the TAL is less than 10.50 million lb (4.8 million kg) and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.50 million lb (4.8 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed TAL.

The Council's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. NMFS, after reviewing these recommendations, publishes proposed specifications in the **Federal Register**. After considering public comment, the Administrator, Northeast Region, NMFS, will publish final specifications in the **Federal Register**.

In July, 2000, the Council adopted specifications for the 2000 Atlantic bluefish fishery. However, those specifications, which were submitted to NMFS in March, 2000, could not be published prior to August 25, 2000, that being the effective date of the rule implementing Amendment 1 to the FMP at 50 FR 45844, July 25, 2000. Given that publication of a final rule to implement the 2000 specifications could not take place prior to November, 2000, and would be in effect for less than 2 months, NMFS believed that the administrative burden of a rulemaking could not be justified for such a short period of time. Factored into this decision was the knowledge that the states, under the aegis of the Atlantic States Marine Fisheries Commission (Commission), had previously implemented specifications for the year 2000 that are identical to those adopted by the Council for the 2000 bluefish fishery.

### **Proposed 2001 Specifications**

#### *Proposed TAL*

For the 2001 fishery, the stock rebuilding program in the FMP would restrict F to 0.41. However, the 1999 fishery produced an F of only 0.295, so, in accord with the FMP, TAL proposed for 2001 was selected to achieve  $F=0.295$ . The 1999 fishery is the most recent year for which landings data are complete and for which an F can be estimated. Therefore, the TAL for 2001 would be 37.84 million lb (17.17 million kg), which is calculated based on the

current estimate of biomass and  $F=0.295$ . The increase in TAL for 2001 versus 2000 results from an increase in the stock biomass, even though the 2001 TAL is based on a lower F than that specified in the FMP rebuilding program.

#### *Proposed Commercial Quota and Recreational Harvest Limit*

If TAL were allocated for the 2001 fishery based on the percentages specified in the FMP, the commercial allocation would be 6.43 million lb (2.92 million kg) with a recreational harvest limit of 31.41 million lb (14.25 million kg). However, recreational landings from 1995 through 1999 were much lower than the recreational allocation for 2001, ranging between 8.30 and 14.7 million lb (3.76 and 6.67 million kg); thus, giving the Council the opportunity to recommend a commercial quota of up to 10.5 million lb (4.76 million kg). Instead, the Council chose to recommend a commercial quota of 9.58 million lb (4.35 million kg) unchanged from the 1999 commercial quota and identical to the 2000 quota implemented by the states under aegis of the Commission. Under the FMP, this would require transferring 3.15 million lb (1.43 million kg) from the initial 2001 recreational allocation of 31.41 million lb (14.13 million kg), leaving 28.26 million lb (12.82 million kg) for the 2001 recommended harvest limit. The 2001 commercial quota is unchanged from the commercial quota specified by the Commission for 1999 and 2000.

#### *Proposed Recreational Possession Limit*

A 2-year projection of the bluefish stock biomass was conducted using an assumed F rate of 0.295. Results indicate that the bluefish stock will increase from an estimated biomass of 35,840 mt (78,919,680 lb) in 2000 to 51,990 mt (114,481,980 lb) in 2001, and 69,720 mt (153,523,440 lb) in the year 2002. The stock is projected to increase substantially in the next 2 years with commensurate increases in recreational harvest limit. However, recreational landings have decreased in the past 2 years from 14,302 mt (31,521,608 lb) in 1997 to 12,334 mt (27,184,136 lb) in 1998 and to 8,253 mt (18,189,612 lb) in 1999. Therefore, the Council recommended an increase in the possession limit from 10 to 15 fish in 2001. The Council believes that this increase will benefit some recreational anglers while landings will not exceed the recreational harvest limit.

*Proposed State Commercial Allocations*  
Proposed state commercial allocations for the recommended 2001 commercial

quotas are shown in the following table, based on the percentages specified in the FMP and at § 648.100(d)(1).

State	Percent of quota	2001 Commercial Quota (lb)	2001 Commercial Quota (kg)
ME	0.6685	64,062	29,066
NH	0.4145	39,722	18,023
MA	6.7167	643,661	292,042
RI	6.8081	652,420	296,016
CT	1.2663	121,350	55,059
NY	10.3851	995,204	451,544
NJ	14.8162	1,419,836	644,209
DE	1.8782	179,988	81,664
MD	3.0018	287,662	130,518
VA	11.8795	1,138,412	516,521
NC	32.0608	3,072,386	1,394,005
SC	0.0352	3,373	1,530
GA	0.0095	910	413
FL	10.0597	964,021	437,396
Total	100.000	9,583,010	4,348,008

### Regulatory Amendment

The final regulations implementing Amendment 1 to the FMP (50 FR 45844, July 25, 2000), inadvertently did not specify the procedures for setting an annual TAL. Regulatory text needs to be added to § 648.160(a) to reflect the FMP requirement in section 3.1.1.2 of Amendment 1 that requires the Council to use the estimated F for the fishing year preceding the Council submission of the recommended specifications for setting TAL if the estimated F is less than the target F identified in the rebuilding schedule. The portion of Amendment 1 containing this requirement was approved by NMFS on July 29, 1999.

### Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble. The factual basis for certification is as follows:

An active participant in the commercial sector was defined as being any vessel that reported having landed one or more pounds of bluefish to NMFS-permitted dealers during calendar year 1999. All vessels are considered to be small entities. Of the active vessels reported in 1999, 866 landed bluefish from Maine to North Carolina. The dealer data do not cover vessel activity in the South Atlantic. State trip ticket report data indicate that 609 vessels landed bluefish in North Carolina with some possible double

counting. Bluefish landings in South Carolina and Georgia were minuscule, representing less than 1/10 of 1 percent of total coastwide bluefish landings. Therefore, it was assumed that no vessels landed bluefish from those states. In addition, 136 vessels landed bluefish to dealers on Florida's east coast in 1999, as reported by the State of Florida. In 1994, the last time such a vessel survey was done, approximately 2,063 party/charter vessels were estimated to have caught bluefish.

The Council analyzed three alternatives for TAL, each with a 15-fish recreational possession limit for the recreational fishery. Analysis of the preferred alternative, which represents the status quo for the commercial quota compared to the 2000 specifications for bluefish, examined the impacts on industry that would result from a TAL of 37.84 million lb (17.17 million kg) that would allocate 9.58 million lb (4.35 million kg) for the commercial sector and 28.26 million lb (12.81 million kg) for the recreational sector. Results of the analysis indicate that, on a coastwide basis, the preferred alternative could yield increases in revenue to commercial bluefish fishermen of 36 percent compared to 1999 landings. Analysis of the effects of the preferred alternative on fishermen in individual states concluded that the increase in revenues would occur in all states except New York, where 22 of the 192 vessels home ported in that state could have their revenues reduced by 5 percent or more. The Council noted that the negative impact to the State of New York could easily be mitigated by a transfer of commercial quota from another state, as allowed under the FMP, and as accomplished under the Commission's Interstate Plan for Atlantic bluefish in 2000.

The Council further analyzed the impacts on revenues of the increase in the possession limit from 10 to 15 fish for all three alternatives. The 15-fish possession limit is expected to increase angler satisfaction, as it is higher than the 10-fish possession limit implemented each year since 1990. Based on average 1985-1989 landings and angler catch data, the 10-fish bag limit reduced landings

by 17.2 percent. Based on the same 1985-1989 average landings and catch data, the implementation of the 15-fish possession limit is expected to increase landings by 7.9 percent from current levels. Relative to the 1999 landings a 7.9 percent increase would not result in landings in excess of the recreational harvest limit. In determining what might constitute "significant economic impacts" on small entities, the analysis considered the potential impact on revenues from changes in commercial quotas from 1999 to 2001 and considered that revenue reduction greater than 5 percent of total revenue might be significant. The analysis considered the effects at the state, county and individual vessel level. Of the 866 Federally permitted vessels landing bluefish in 1999, 31 vessels could have their revenues reduced by 5 percent or more. Of these vessels, 22 were home ported in New York, with the home ports of the other vessels unable to be determined. Under the most restrictive alternative considered, Dare County, NC, and Suffolk County, NY, were considered the most impacted. However, because North Carolina will not be restricted from 1999 landings under the preferred alternative, only Suffolk County, NY, can be expected to be impacted because of a possible reduction in landings of 30 percent for the whole state. Because all the entities effected by this action are considered small entities, the issue of disproportionality with large entities does not pertain. While some vessel owners/operators in New York may have reduced revenues resulting in lower profitability, vessel owners/operators in other states coastwide could see increases in total revenues as a result of the 136 percent increase in the commercial allocation over the 1999 landings. The reduction in total revenues to vessel owners/operators in New York would likely be minimized through transfer to New York state of state quotas from other states that would not utilize their full quotas. Thus, there would not be any significant economic impacts on the identified small entities. Only 31 of the 866 federally permitted vessels that landed

bluefish in 1999 would likely be affected by the preferred action.

The criteria used to determine "a substantial number of small entities" is based on a threshold value of 20 percent of the total number of small entities being directly affected. Only 31 of the 866 federally permitted vessels that landed bluefish in 1999 would likely be affected by the preferred action. As stated earlier, there is the possibility for relief of these vessels through transfer of quota from one state to another. Even if this transfer does not occur, the percent of vessels that would be affected does not constitute a "substantial number."

In making this analysis, the Council used NMFS stock assessment reports, NMFS landings data, state fish ticket reports, NMFS marine recreational fishing statistical survey reports, various NMFS marine recreational fishing and charter/party boat surveys, Bureau of Census data, and various scientific studies and reports covering the biological, economic and social aspects of the bluefish fishery. Using these data, the Council analyzed the potential changes in revenue from 1999 to 2001 for vessels on an individual and state-by-state basis and determined the degree each vessel/state could be impacted by the preferred and other alternatives by comparing landings in 1999 with potential changes created by the proposed quotas for 2001. For the change in the recreational bag limit, the Council analyzed the increase in catch based on a ten-year average of catches before size limits were instituted in the fishery. The availability of a long time series of data enable the use of long-term averages in the analysis. As such, there is little variability or uncertainty in this analysis. In making this analysis the Council assumed that, because average revenue changes were made using 1999 data, revenue changes for 2001 are dependent upon landings in 1999. Further, the Council assumed the conduct of the

recreational and commercial sectors of the fishery would be similar to the 1999 fishery. Were these assumptions to change, i.e., if the price structure of the fishery were to change or if either the recreational or commercial sector of the bluefish fishery were to suddenly increase or decrease, the magnitude of the impacts (both positive and negative) identified in this analysis could change. However, given the history of commercial and recreational fisheries participation in the bluefish fishery, it is unlikely that there would be any significant changes during one fishing season that will nullify the predicted impact of the 2001 annual specifications.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Regional Administrator (see ADDRESSES).

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 12, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648, chapter VI, is proposed to be amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

**Authority:** 16 U.S.C. 1801*et seq.*

2. In § 648.160, paragraph (a) is revised to read as follows:

#### § 648.160 Catch quotas and other restrictions.

\* \* \* \* \*

(a) *Annual review.* On or before August 15 of each year, the Bluefish Monitoring Committee will meet to determine the total allowable level of landings (TAL) and other restrictions necessary to achieve the target fishing mortality rate (F) specified in the Fishery Management Plan for Atlantic Bluefish for the upcoming fishing year or the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower. In determining the TAL and other restrictions necessary to achieve the specified F, the Bluefish Monitoring Committee will review the following data, subject to availability: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of bluefish; and any other relevant information.

\* \* \* \* \*

[FR Doc. 01-4168 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-22-S

# Notices

Federal Register

Vol. 66, No. 35

Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a meeting of the Colorado Advisory Committee to the Commission will convene at 11:30 a.m. and adjourn at 2:30 p.m. on Thursday, February 15, 2001, at the Wellshire Inn, 3333 South Colorado Boulevard, Denver, Colorado 80222. The purpose of the meeting is to plan a forum in Grand Junction and review other civil rights issues affecting Colorado.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303-866-1040 (TDD 303-866-1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 13, 2001.

**Edward A. Hailes, Jr.,**

*General Counsel.*

[FR Doc. 01-4249 Filed 2-15-01; 1:47 pm]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-809]

#### Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Rescission of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of rescission of the antidumping duty administrative review.

**SUMMARY:** In response to November 30, 2000, requests by certain producers/exporters of circular welded non-alloy steel pipe from the Republic of Korea, the Department of Commerce initiated an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea, covering the period November 1, 1999, through October 31, 2000. *See, Notice of Initiation of Antidumping and Countervailing Administrative Reviews* 65 FR 82322, (December 28, 2000). Based on timely withdrawals of the requests for review from these companies, we are rescinding this review in its entirety in accordance with section 351.213(d)(1) of our regulations.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Greg Campbell or Suresh Maniam, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2239 and (202) 482-0176, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations refer to 19 CFR part 351 (2000).

##### Background

On November 30, 2000, Shinho Steel Co., Ltd., SeAH Steel Corporation, and

Hyundai Pipe Co., Ltd., producers/exporters of circular welded non-alloy steel pipe from the Republic of Korea, each requested administrative review of the subject merchandise for the period November 1, 1999 through October 31, 2000. In accordance with 19 CFR 351.221(c)(1)(i), the Department of Commerce published the initiation of an administrative review of the antidumping duty order. *See, Notice of Initiation of Antidumping and Countervailing Administrative Reviews*, 65 FR 82322, (December 28, 2000). On January 5, 2001, Shinho Steel Co., Ltd., withdrew its request for review. On January 19, 2001, Hyundai Pipe Co., Ltd. withdrew its request for review. On January 30, 2001, SeAH Steel Corporation withdrew its request for review.

##### Rescission of Review

The Department's regulations, at 19 CFR 351.213(d)(1), provide that the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Since all parties requesting review withdrew their requests for an administrative review within the 90-day deadline, the Department is rescinding this administrative review.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: February 13, 2001.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 01-4284 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-570-803]****Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen at (202) 482-4195 or Ron Trentham at (202) 482-6320, Office of AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

**Time Limits***Statutory Time Limits*

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

*Background*

On November 7, 2000, the Department published in the **Federal Register** the preliminary results of the 1999-2000 administrative reviews of the antidumping duty orders on heavy forged hand tools from the People's Republic of China. *See Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China; Preliminary Results and Preliminary Partial Recision of Antidumping Duty Administrative Reviews and Notice of Intent Not to Revoke in Part* (65, FR 66691). The Department did not extend the time limit for the preliminary results of these reviews.

*Extension of Time Limit for Final Results of Reviews*

We determine that it is not practicable to complete the final results of these

reviews within the original time limit. Therefore the Department is extending the time limit for completion of the final results until no later than September 3, 2001. *See* Decision Memorandum from Thomas F. Futtner to Holly A. Kuga, dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the main Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: February 8, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 01-4288 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-580-807]****Polyethylene Terephthalate Film, Sheet, and Strip from Korea; Postponement of Preliminary Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Extension of Time Limit.

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Korea. The review covers three manufacturers/exporters of the subject merchandise and the period June 1, 1999 through May 31, 2000.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Heaney or Robert James, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4475 or 482-0649, respectively.

**Postponement of Preliminary Results of Review**

On July 31, 2000, the Department initiated this administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Korea. (65 FR 46687). The current deadline for the preliminary results is March 1, 2001. We determine that it is not practicable to complete this

review within the original time frame. (*See* Memorandum to Joseph A. Spetrini dated February 12, 2001.)

Accordingly, we are extending the deadline for issuing the preliminary results of this review until no later than June 29, 2001, (i.e., 120 days) in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. The deadline for issuing the final results of this review will be no later than 120 days from the publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for AD/CVD Enforcement Group III.*

[FR Doc. 01-4285 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-M**

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-469-807]****Stainless Steel Wire Rod from Spain; Final Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On October 13, 2000, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on stainless steel wire rod (SSWR) from Spain (65 FR 60905). This review covers one manufacturer/exporter of the subject merchandise (Roldan S.A.). The period of review (POR) is March 5, 1998, through August 31, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Howard Smith or Lyman Armstrong, Office of AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone (202) 482-3965 or (202) 482-3601, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (2000).

##### Background

On October 13, 2000, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on SSWR from Spain. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Wire Rod from Spain*, 65 FR 60905 (October 13, 2000).

In response to the Department's invitation to comment on the preliminary results of this review, ROLDAN, S.A. (Roldan) and petitioners (*i.e.*, Empire Specialty Steel Inc. (formerly AL Tech Specialty Steel Corp.), Carpenter Technology Corp., Republic Engineered Steels, and the United Steel Workers of America (AFL-CIO/CLC)) filed case briefs on November 13, 2000. On November 20, 2000, Roldan filed a rebuttal brief.

The Department has conducted this administrative review in accordance with section 751 of the Act.

##### Scope of Review

For purposes of this review, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime, or oxalate.

SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents

the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter. Two stainless steel grades, SF20T and K-M35FL, are excluded from the scope of the review. The chemical makeup for the excluded grades is as follows:

##### SF20T

Carbon: 0.05 max  
Manganese: 2.00 max  
Phosphorous: 0.05 max  
Sulfur: 0.15 max  
Silicon: 1.00 max  
Chromium: 19.00/21.00  
Molybdenum: 1.50/2.50  
Lead: added (0.10/0.30)  
Tellurium: added (0.03 min)

##### K-M35FL

Carbon: 0.015 max  
Silicon: 0.70/1.00  
Manganese: 0.40 max  
Phosphorous: 0.04 max  
Sulfur: 0.03 max  
Nickel: 0.30 max  
Chromium: 12.50/14.00  
Lead: 0.10/0.30  
Aluminum: 0.20/0.35

The products under investigation are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope of this review is dispositive.

##### Period of Review

The POR is March 5, 1998 through August 31, 1999.

##### Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Holly A. Kuga, Acting Deputy Assistant Secretary, Group II, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 12, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this

public memorandum, which is on file in the Central Records Unit, room B-099, of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memorandum are identical in content.

##### Use of Facts Available

In accordance with section 776 of the Act, we have determined that the use of facts available is appropriate for certain portions of our calculation of Roldan's U.S. indirect selling expenses. For a discussion of our determination with respect to this matter, see comment 2 of Decision Memorandum, accessible in B-099 and on the Web at <http://ia.ita.doc.gov>.

##### Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculation. These changes are discussed in the relevant sections of the Decision Memorandum.

##### Final Results of Review

We determine that the following weighted-average percentage margin exists for the period March 5, 1998 through August 31, 1999:

Manufacturer/exporter	Percent margin
Roldan, S.A. ....	0.80

##### Assessment

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. Where the assessment rate is above *de minimis*, we will instruct Customs to assess duties on all entries of subject merchandise by that importer. The Department will issue appraisal instructions directly to Customs.

##### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of SSWR from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Roldan will be the rate shown

above except if the rate is *de minimis*, then no cash deposit will be required; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 4.73 percent, the "all-others" rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of administrative review for a subsequent review period.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 12, 2001.

**Timothy J. Hauser,**

*Acting Under Secretary for International Trade.*

#### **Appendix—Issues in Decision Memorandum**

##### **Comments**

1. Ministerial Errors
2. Allocation Methodology Used to Calculate U.S. Indirect Selling Expenses

[FR Doc. 01-4283 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[C-401-401]**

#### **Certain Carbon Steel Products from Sweden: Rescission of Countervailing Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of rescission of countervailing duty administrative review.

**SUMMARY:** On December 3, 1999, in response to a request from respondent, the Department of Commerce initiated an administrative review of the countervailing duty order on carbon steel products from Sweden. The review covers the period January 1, 1998 through December 31, 1998. In accordance with 19 CFR 351.213(d)(1), the Department is now rescinding this review because SSAB Svenskt Stal AB (SSAB) (respondent) has withdrawn its request for review.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or Gayle Longest, Office of AD/CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-2786.

**SUPPLEMENTARY INFORMATION:** On October 29, 1999, the Department received a request for an administrative review of the countervailing duty order on certain steel products from Sweden from SSAB, for the period January 1, 1998 through December 31, 1998. On December 3, 1999, the Department published in the **Federal Register** (64 FR 67846) a notice of "Initiation of Countervailing Duty Administrative Review" initiating the administrative review. On September 7, 2000, the Department published in the **Federal Register** (65 FR 54229) a notice of "Preliminary Results of Countervailing Duty Administrative Review and Extension of Time Limit for Final Results of Countervailing Duty Administrative Review." On November 2, 2000, the International Trade Commission (ITC) made a negative determination in the sunset review of *Certain Steel Products from Sweden*; thus the order was to be revoked by the Department of Commerce effective January 1, 2000. On December 15, 2000, the Department published in the **Federal Register** (65 FR 78467) a notice of "Revocation of Antidumping and Countervailing Duty Orders" which

revoked the countervailing duty order on certain carbon steel products from Sweden, effective January 1, 2000.

On January 17, 2001, respondent withdrew its request for review because of the revocation of the order. The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review. Although the request for recession was made after the 90 day deadline, in accordance with 19 CFR 351.213(d)(1), the Secretary may extend this time limit if the Secretary decides it is reasonable to do so. Due to the fact that SSAB was the only party to request an administrative review, we find it reasonable to accept the party's withdrawal of its request for review. Moreover, we have received no other submissions regarding SSAB's request for withdrawal of the administrative review. Therefore, we are rescinding this review of the countervailing duty order on certain carbon steel products from Sweden for SSAB covering the period January 1, 1998, through December 31, 1998.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4) and 777(i) of the Act.

Dated: February 13, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 01-4289 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[C-357-815]**

#### **Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Argentina**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of preliminary affirmative countervailing duty determination.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Eric B. Greynolds at (202) 482-6071 or Darla Brown at (202) 482-2849, Office of AD/CVD Enforcement VI, Group II, Import

Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**Preliminary Determination:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to certain producers and exporters of certain hot-rolled carbon steel flat products from Argentina. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section of this notice.

#### SUPPLEMENTARY INFORMATION:

##### Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the Independent Steelworkers of America (the petitioners).

##### Case History

Since the publication of the notice of initiation in the **Federal Register** (see *Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand*, 65 FR 77580 (December 12, 2000) (*Initiation Notice*), the following events have occurred: On December 8, 2000, and December 20, 2000, we issued countervailing duty questionnaires to the Government of Argentina (GOA).<sup>1</sup> On January 16 and 17, 2001, Siderar Sociedad Anonima Industrial & Commercial (Siderar), a company identified by petitioners as a producer/exporter of the subject merchandise, and the GOA informed us that they were not going to respond to our questionnaire.

##### Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in

successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the *Harmonized Tariff Schedule of the United States* (HTS), are products in which: (i) iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or  
2.25 percent of silicon, or  
1.00 percent of copper, or  
0.50 percent of aluminum, or  
1.25 percent of chromium, or  
0.30 percent of cobalt, or  
0.40 percent of lead, or  
1.25 percent of nickel, or  
0.30 percent of tungsten, or  
0.10 percent of molybdenum, or  
0.10 percent of niobium, or  
0.15 percent of vanadium, or  
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).

- SAE/AISI grades of series 2300 and higher.

- Ball bearings steels, as defined in the HTS.

- Tool steels, as defined in the HTS.

- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.

- ASTM specifications A710 and A736.

- USS Abrasion-resistant steels (USS AR 400, USS AR 500).

- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).

- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90.

Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

##### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to

<sup>1</sup> Upon the issuance of the questionnaires, we informed the GOA that it was the government's responsibility to forward the questionnaires to all producers/exporters that shipped subject merchandise to the United States during the period of investigation (POI).



the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

#### Injury Test

Because Argentina is a "Subsidy Agreement Country" within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Argentina materially injure or threaten material injury to a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Argentina of subject merchandise. *See Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine*, 66 FR 805 (January 4, 2001).

#### Alignment With Final Antidumping Duty Determination

On January 31, 2001, the petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. Therefore, in accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determination in the antidumping duty investigation of hot-rolled carbon steel flat products from Argentina.

#### Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 1999.

#### Use of Facts Available

Siderar and the GOA failed to respond to the Department's questionnaire. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act require the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. As described in more detail below, Siderar and the GOA have failed to provide information explicitly requested by the Department; therefore, we must resort to the facts otherwise available.

Furthermore, section 776(b) of the Act provides that in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a party if it determines that a party has failed to cooperate to the best of its ability. In this investigation, the Department requested Siderar and the GOA to submit the information requested in the initial questionnaire. On January 16 and 17 of 2001, Siderar and the GOA informed the Department that they would not participate in the investigation.

The Department finds that by not providing necessary information specifically requested by the Department and failing to participate in any respect in this investigation, Siderar and the GOA have failed to cooperate to the best of their ability. Therefore, in selecting facts available, the Department determines that an adverse inference is warranted.

When employing an adverse inference, the statute indicates that the Department may rely upon information derived from (1) the petition; (2) a final determination in a countervailing duty or an antidumping investigation; (3) any previous administrative review, new shipper review, expedited antidumping review, section 753 review, or section 762 review; or (4) any other information placed on the record. *See* 19 CFR 351.308(c) (2000). As adverse facts available in this preliminary determination, we have relied upon information in the petition, as well as public information from a number of sources, including other countervailing duty proceedings involving steel products from Argentina. The Department's selection of the information used as adverse facts available is discussed in more detail in the program-specific sections below.

Finally, the Statement of Administrative Action accompanying the URAA clarifies that information from the petition is "secondary information." *See* Statement of Administrative Action, accompanying H.R. 5110 (H.R. Doc. No. 103-316) (1994) (SAA), at 870. If the Department relies on secondary information as facts available, section 776(c) of the Act provides that the Department shall, "to the extent practicable," corroborate such information using independent sources reasonably at its disposal. The SAA further provides that to corroborate secondary information means simply that the Department will satisfy itself that the secondary information to be used has probative value. *See also*, 19 CFR 351.308(c) (2000).

Therefore, to satisfy itself that such information has probative value, the

Department will examine, to the extent practicable, the reliability and relevance of the information used. However, unlike other types of information, such as publicly available data on the national inflation rate of a given country, there typically are no independent sources for data on company-specific benefits resulting from countervailable subsidy programs. The only source for such information is administrative determinations. Thus, if the Department chooses as facts available information based on the Department's prior determinations concerning particular subsidy programs, it is not necessary to question the reliability of the benefit data for that time period.

With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render benefit data not relevant. Where circumstances indicate that the information is not appropriate as adverse facts available, the Department will not use it. *See, cf., Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996) (where the Department disregarded the highest dumping margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). As discussed in more detail below, we do not have any information on the record that would change our determination to rely on previously submitted benefit information from the GOA's supplemental questionnaire responses in another proceeding or other information that was included in the November 13, 2000 petition when analyzing the programs at issue in this investigation.

For those programs in which petitioners did not provide direct information from the GOA or Siderar, we used publicly available sources on the record in another proceeding which we placed on the record of this investigation as necessary. Specifically, for information on equity infusions and government assistance provided during the privatization of the producer of the subject merchandise, we obtained from the Central Records Unit (CRU), room B099 of the main Commerce building, the public version of Attachment 70 of the GOA's November 26, 1993 questionnaire response that was originally placed on the record of the 1991 and 1992 administrative reviews of the CVD order on Cold-Rolled Carbon Steel Flat-Rolled Products from

Argentina (C-357-005). This information is included in the February 7, 2001, memorandum to the file, "Calculations for the Preliminary Determination of the Countervailing Duty Investigation: Certain Hot-Rolled Carbon Steel Flat Products from Argentina," a public document on file in room B099 of the CRU. Portions of the GOA's November 26, 1993 supplemental questionnaire response, as well as its February 24, 1994 supplemental questionnaire response from the same proceeding, were also submitted with petitioners' November 13, 2000 petition at Exhibits III-1 and III-2. As discussed more fully in the program-specific sections below, because this information was provided by the GOA with respect to the identical programs alleged in this investigation and the same company, and there is nothing on the record to indicate that the use of such information is not appropriate, we determine that this information is both reliable and relevant for use as facts available in this investigation.

On November 29, 2000, we held consultations with the GOA regarding the countervailing duty petition on certain hot-rolled carbon steel flat products from Argentina. During the consultations, the GOA indicated that Acindar Industria Argentina de Aceros Sociedad Anonima (Acindar) did not ship subject merchandise to the United States during the POI and, thus, should not be subject to the investigation. For more information, see the November 29, 2000, memorandum to the file, "Consultations with the Government of Argentina Regarding the Countervailing Duty Petition on Certain Hot-Rolled Carbon Steel Flat Products from Argentina," a public document on file in room B099 of the CRU. We preliminarily determine that Acindar did not ship subject merchandise during the POI and, thus, we have not calculated a facts available rate for Acindar nor for the Tax Abatement Program that was included in our *Initiation Notice*.<sup>2</sup> If Acindar subsequently ships subject merchandise to the United States, the "All Others" rate noted in the "Suspension of Liquidation" section of this notice will apply to its imports for cash deposit purposes.

<sup>2</sup> We note that the Tax Abatement Program dealt with regionally specific subsidies allegedly provided to one of Acindar's subsidiaries. Because this allegation is specific to Acindar, we are not including it among the programs preliminarily determined to confer subsidies.

### Change in Ownership

In 1989, the GOA embarked upon a reform program designed to restructure the economy, reduce public sector debt, and stabilize the currency. A central element of this program was the privatization of large public enterprises. That same year the GOA codified the privatization procedures under Chapter II of Law 23696. Sociedad Mixta Siderurgica Argentina (SOMISA), whose privatization took place in 1992, was among those companies covered by the law.

During the course of privatization, the GOA restructured SOMISA. In this restructuring, portions of SOMISA's productive assets were transferred to a newly formed company, Aceros Parana S.A. (APSA), while the liabilities and nonproductive assets remained with SOMISA. In 1992, the GOA privatized APSA by selling it in a share transaction to the Technit Group via its subsidiary Propulsura Siderurgica S.A.I.C. (Propulsura). Then, in 1993, APSA was merged with four smaller companies, none of which produced subject merchandise, to form Siderar.

As discussed in further detail below, petitioners contend that SOMISA/APSA received numerous subsidies prior to the restructuring and privatization in 1992. Moreover, they contend that the company remained, for all intents and purposes, the same corporate entity throughout the restructuring and privatization. As a result, petitioners argue that all non-recurring subsidies received by SOMISA and APSA are fully attributable to Siderar.

In this preliminary determination, we have applied our new privatization approach, first announced in a remand determination on December 4, 2000, following the decision of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *Delverde Srl v. United States*, 202 F.3d 1360, 1365 (Fed. Cir. 2000), *reh'g en banc denied* (June 20, 2000) (*Delverde III*). We have also applied this new approach recently in *Grain-Oriented Electrical Steel from Italy: Final Results of Countervailing Duty Administrative Review*, 66 FR 2885 (January 12, 2001).

Under this approach, the first requirement is to determine whether the person to which the subsidies were given is, in fact, distinct from the person that produced the subject merchandise exported to the United States. If the two persons are distinct, the original subsidies may not be attributed to the new producer/exporter. The Department would, however, consider whether any subsidy had been bestowed upon that

producer/exporter as a result of the change-in-ownership transaction.

On the other hand, if the original subsidy recipient and the current producer/exporter are considered to be the same person, that person benefits from the original subsidies, and its exports are subject to countervailing duties to offset those subsidies. In other words, we will determine that a "financial contribution" and a "benefit" has been received by the "person" that is the firm under investigation. Assuming that the original subsidy had not been fully amortized under the Department's normal allocation methodology as of the POI, the Department would then continue to countervail the remaining benefits of that subsidy.

In making the "person" determination, where appropriate and applicable, we analyze factors such as (1) continuity of general business operations, including whether the successor holds itself out as the continuation of the previous enterprise, as may be indicated, for example, by use of the same name, (2) continuity of production facilities, (3) continuity of assets and liabilities, and (4) retention of personnel. No single factor will necessarily provide a dispositive indication of any change in the entity under analysis. Instead, the Department will generally consider the post-sale entity to be the same person as the pre-sale entity if, based on the totality of the factors considered, we determine that the entity sold in the change-in-ownership transaction can be considered a continuous business entity because it was operated in substantially the same manner before and after the change in ownership.

Using the approach described above, we analyzed the facts available in the petition to determine whether the subsidies received by SOMISA and APSA continued to benefit Siderar during the POI. As noted in the "Use of Facts Available" section of this notice, the GOA and Siderar have declined to participate in this investigation. Therefore, in determining that all of SOMISA's and APSA's non-recurring subsidies are attributable to Siderar, we relied on adverse inferences with respect to the use of facts available, as mandated by section 776(b) of the Act.

Information in the petition indicates that SOMISA, APSA, and Siderar are, for all intents and purposes, the same corporate entity. For example, the petition contains evidence that APSA, the predecessor of Siderar, was sold to Propulsura via a share transaction, suggesting, without other available information, that all assets and

liabilities of APSA were transferred. In addition, page 38 of an article in the *Colombia Journal of World Business*, which was included as Exhibit IV-4 of the November 13, 2000 petition, states that, as of 1993, SOMISA produced hot-rolled steel at its manufacturing facility in San Nicolás. Furthermore, Siderar's website indicates that the company continues to produce hot-rolled steel at the San Nicolas facility.<sup>3</sup> This information demonstrates that SOMISA, APSA, and Siderar all produced hot-rolled steel at the same manufacturing facility, which is indicative of the continuity of the enterprise. In addition, the fact that the same facility produced hot-rolled steel throughout and after the restructuring and privatization periods indicates a continuity of the plant's assets. See e.g., P. Marcus and K. Kirsis, "Siderar: Argentina's Privatization Success Story," *World Steel Dynamics*, a Paine Webber report that was included as Exhibit IV-11 of the November 13, 2000 petition.<sup>4</sup>

On this basis, we preliminarily determine that all subsidies received by SOMISA and APSA are attributable to Siderar. With our "person" determination, all of the elements of a subsidy are established with regard to Siderar.

We also note that information in the petition indicates that the substantial majority of the countervailable non-recurring subsidies were provided to the producer of the subject merchandise during the course of its sale to private interests and were specifically provided for in the bidding and sales documents and contract, as well as in the GOA's law and decrees governing the privatization of the company. Because of our determination that SOMISA, APSA, and Siderar are, for all intents and purposes, the same person, we need not decide whether some of the subsidies at issue have been provided directly to the post-sale entity.

#### Allocation Period

19 CFR 351.524(d)(2) (2000) states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of Treasury. The presumption will apply unless a party claims and

establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

In this investigation, the Department is considering non-recurring subsidies. Regarding non-recurring subsidies, we have allocated, where applicable, all of Siderar's non-recurring subsidies over the AUL listed in the IRS tables for the steel industry and used in the most recently completed administrative review for Argentine steel companies (see *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Results of Countervailing Duty Administrative Review*, 62 FR 52974 (October 10, 1997) (*Final Results of 1991 Cold-Rolled Flat Products*)). Therefore, in accordance with 19 CFR 351.524(d)(2) (2000), the Department is using, for the purposes of the preliminary determination, an allocation period of 15 years.

#### Equityworthiness

The Department has previously determined SOMISA to be unequityworthy for the years 1986 through 1987 and 1988 through 1990 (see *Certain Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Countervailing Duty Review*, 56 FR 28527, 28528 (June 21, 1991) (*Cold-Rolled Flat Products*); *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Preliminary Results of Countervailing Duty Administrative Review*, 62 FR 38257 (July 17, 1997) and *Final Results of 1991 Cold-Rolled Flat Products* (collectively referred to as *1991 Cold-Rolled Flat Products*)). No new information or evidence of changed circumstances has been submitted in this review that would lead us to reconsider these findings.

#### Calculation of Discount Rate and Creditworthiness

For years 1986 through 1990, we used U.S. dollar-denominated discount rates (see Private Creditors Interest Rate in U.S. dollars for Argentina as reported in the 1993-1994 *World Debt Tables*). These rates were the same as those used in the most recently completed administrative review for Argentina. See *1991 Cold-Rolled Flat Products*, 62 FR 38257, 38260.

In the petition, petitioners alleged that SOMISA, the corporate predecessor of Siderar, was uncreditworthy in 1991 and 1992. To support this allegation, petitioners stated that the company had

negative operating margins and negative return on sales in each of these two years. Petitioners have stated that financial data for the years prior to 1990 is not publically available. In our initiation, we stated that we did not plan to investigate SOMISA's alleged creditworthiness in 1991 and 1992 on the grounds that the presence of "non-current bank and financial debt" on its 1991-1992 Financial Statement indicated that the company was able to obtain commercial financing. See page 14 of the December 4, 2000, Initiation Checklist that accompanied the *Initiation Notice*, the public version of which is on file in room B099 of the CRU.

However, on January 29, 2001, petitioners submitted additional information supporting their claim that SOMISA was uncreditworthy in 1992. Specifically, petitioners contend that in making its decision not to initiate a creditworthy investigation, the Department mistakenly relied on 19 CFR 351.505(a)(4)(ii) (2000), which states that the presence of long-term commercial financing with a government guarantee generally constitutes dispositive evidence that a firm is creditworthy. Petitioners point out that in the preamble to the CVD Regulations, the Department states that:

We do not believe that the presence of commercial loans is dispositive of whether a government-owned firm could have obtained long-term financing from conventional commercial sources. This is because in our view, in the case of a government-owned firm, a bank is likely to consider that the government will repay the loan in the event of default. Accordingly, paragraph (a)(4)(ii) provides that the presence of comparable commercial loans will be dispositive of creditworthiness only for privately owned companies.

CVD Regulations, 63 FR 65348, 65367.

In addition, further review of the information in the petition indicates that Siderar was in financial distress as of 1992. According to a 1993 article from the *Colombia Journal of World Business* that was included as Exhibit IV-4 of the November 13, 2000 petition, by the start of the 1990s the company was losing approximately 20 million dollars a month. Moreover, the article states that at the time of its privatization, "SOMISA was not a viable economic entity on its own and was in a state of technical insolvency." The article goes on to state that at the time of its sale, SOMISA was having difficulty securing letters of credit and that its suppliers had begun to ship materials on a cash receipt basis, both of which strongly suggest that the

<sup>3</sup> See the February 7, 2001, memorandum to the file that placed the information from Siderar's website onto the record of this investigation.

<sup>4</sup> We note that the information in the report was based on a trip to Siderar that Paine Webber representatives took on June 6, 1994.

company was unable to fulfill its obligations to its creditors.

Based on the information provided by petitioners, we find there is sufficient evidence on the record of this investigation to warrant investigating whether SOMISA was uncreditworthy in 1992. Because the producer of the subject merchandise and the GOA have declined to participate in this investigation, we are relying on adverse facts available and, therefore, have preliminarily determined that the company was uncreditworthy in 1992.<sup>5</sup>

As our 1992 discount rate, we used the peso-denominated lending rate as reported by the International Monetary Fund's (IMF's) *International Statistics*, as published in June 1993. Because we have preliminarily determined the producer of the subject merchandise to be uncreditworthy in 1992, we adjusted this discount rate upwards using the uncreditworthy discount rate methodology as described in 19 CFR 351.505(a)(3)(iii) (2000).

### Programs Preliminarily Determined To Confer Subsidies

#### 1. Equity Infusions Bestowed From 1986 Through 1990

Petitioners allege that predecessors of Siderar received equity infusions from the GOA during the years 1986 through 1990, a period in which petitioners contend Siderar's predecessor was unequityworthy. Specifically, petitioners requested that the Department examine the equity infusions provided to SOMISA, a predecessor of Siderar, from 1986 to 1987 and additional infusions provided to SOMISA from 1988 through 1990.

In *Cold-Rolled Flat Products*, we determined that under Decree 2887/78 the GOA provided SOMISA with countervailable equity infusions from 1986 through 1987, a period during which the Department found SOMISA to be unequityworthy. See 56 FR 28527, 28528. We also determined in 1991 *Cold-Rolled Flat Products* that under the same decree the GOA provided SOMISA with additional countervailable equity infusions from 1988 through 1990, a period in which the Department again found SOMISA to be unequityworthy. See 62 FR 38257, 38259.

In accordance with 19 CFR 351.507(c) (2000), we treated the equity infusions as non-recurring subsidies. For each of the infusions received during the years

1986 through 1990, we allocated the subsidy over the time period corresponding to the AUL beginning in the year in which the equity infusions were received using our standard grant allocation methodology. We note that the amounts of the individual equity infusions were obtained from Attachment 70 of the public version of the November 26, 1993 supplemental questionnaire response of the GOA.

In addition, consistent with our treatment of the equity infusions in past proceedings, we have converted the equity infusions into U.S. dollars in order to take into account the periods of high inflation in Argentina and the changes in the Argentine currency that occurred during the time in which the equity infusions were received. See, e.g., 1991 *Cold-Rolled Flat Products*, 62 FR 38257, 38260. Because we converted the equity infusions into U.S. dollars, we used as our discount rate the U.S. dollar-denominated private creditor's interest rate for Argentina as reported in the *World Debt Tables* for 1993 and 1994.

To calculate the net subsidy rate, we then divided the benefit amount allocable to the POI by Siderar's estimated U.S. dollar total sales as of June 30, 2000, which was calculated based on facts available in the petitioners' submission. We converted Siderar's total sales as of June 30, 2000 into U.S. dollars using the average peso/U.S. dollar exchange rate for 1999.<sup>6</sup> On this basis, we preliminarily determine the net countervailable subsidy to be 0.18 percent *ad valorem*.

#### 2. GOA Assumption of SOMISA Debt

Petitioners explain that the GOA restructured SOMISA in 1992 by transferring SOMISA's productive assets to a company named APSA. Petitioners allege that, as a part of this restructuring, the GOA directly assumed 1,237 million pesos of SOMISA's debt. Petitioners allege that APSA should have been liable for this debt and, therefore, APSA (a predecessor of Siderar) received countervailable subsidies that benefitted subject merchandise during the POI.

<sup>6</sup> The sales value used for the POI for Siderar is based upon the company's Financial Statement at June 30, 2000, which covers the fiscal year July 1, 1999 through June 30, 2000. Siderar's Financial Statement was included as Exhibit IV-3a in the November 13, 2000 petition. To determine an FOB sales value, we deducted the freight and transportation costs reported for the company's selling expenses (8,650,744 pesos) from the company's sales income of 958,440,592 pesos. We also note that the peso and dollar exchange rate is set basically on a one for one basis, thus exchanging the peso sales value to a dollar sales value results in approximately the same value.

In 1991 *Cold-Rolled Flat Products*, we reviewed the 1992 privatization of SOMISA. See, 62 FR 38257, 38262. As explained in that review, the general privatization law (Chapter II of Law 23,696) enabled the GOA to (1) decide which assets would be privatized; (2) reorganize going concerns and transfer assets and liabilities from those concerns prior to privatization; and (3) assume the debt of public enterprises undergoing privatization. Further, debt acquired by SOMISA up to April 1, 1991, was forgiven by the GOA. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, as adverse facts available, we preliminarily determine that the GOA's assumption of debt constitutes a countervailable subsidy within the meaning of 771(5) of the Act. Because the debt assumption is limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that the debt assumption is specific under section 771(5A) of the Act. The debt forgiveness also constitutes a financial contribution in the form of a grant because it is effectively a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.

In accordance with 19 CFR 351.508(c) (2000), we treated the GOA's 1992 assumption of SOMISA's debt as a non-recurring grant. We allocated the subsidy over the time period corresponding to the AUL beginning in 1992 using our standard grant allocation methodology.<sup>7</sup> We obtained the amount of SOMISA's debt forgiveness from Attachment 8 of the public version of the GOA's February 24, 1994 supplemental questionnaire response, which was included as Exhibit III-2 of the petition. According to this document, the GOA assumed 1,237 million pesos of the company's debt in the course of the company's privatization.

As stated above in the "Creditworthiness and Calculation of Discount Rate" section, we have preliminarily determined that the company was uncreditworthy in 1992. Therefore, when employing our standard grant allocation methodology, we calculated a discount rate in accordance with the formula for constructing a long-term benchmark

<sup>7</sup> We note that by January 1, 1992, the year in which SOMISA's debt was forgiven, Argentina had pegged its currency to the U.S. dollar. This action, in part, resulted in the abatement of the high inflation rates in the country. Therefore, we did not dollarize non-recurring subsidies received since 1992.

<sup>5</sup> As noted above, petitioners also alleged that SOMISA was uncreditworthy in 1991. However, we preliminarily determine that no non-recurring subsidies were given in 1991, and, therefore, it is not necessary to make a determination regarding Siderar's creditworthiness in 1991.

interest rate for uncreditworthy companies as stated in 19 CFR 351.505(a)(3)(iii) (2000) and applied that discount rate when utilizing our standard grant allocation methodology.

To calculate the net subsidy rate, we divided the benefit amount allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 21.79 percent *ad valorem*.

## 2. Relief From Liquidation Costs

Petitioners allege that, upon transferring SOMISA's productive assets to APSA, the GOA agreed to cover the liquidation costs of SOMISA Residual.<sup>8</sup> These alleged costs include closing down and dismantling redundant facilities and environmental liabilities. Petitioners provided a portion of the contract between the GOA and APSA for the transfer of shares. See the GOA's November 26, 1993 supplemental questionnaire response, which was included as Exhibit IV-16 of the November 13, 2000 petition. Petitioners explain that section 5.9.1(i)-(iv) of this contract stipulates that the GOA will compensate APSA for any obligation or damages incurred due to environmental liabilities which occurs during the first 18 months after privatization. They also state that section 5.8 of the contract stipulates similar indemnities regarding occupational health and safety liabilities.

As explained above, the GOA had the discretion to reorganize going concerns and transfer assets and liabilities from those concerns prior to privatization as well as covering liabilities arising from these actions. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the above-mentioned information in the petition indicates that the GOA undertook liquidation costs that should have been attributed to APSA. Because this relief of liquidation expenses is limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that this program is specific under section 771(5A) of the Act. The relief from the liquidation costs also constitutes a financial contribution in the form of a grant because it is effectively a direct transfer of funds

within the meaning of section 771(5)(D)(i) of the Act.

To calculate the countervailable benefit under this program, we treated the GOA's 1992 assumption of liquidation costs as a non-recurring grant. We then allocated the subsidy over the time period corresponding to the AUL beginning in the year in which the liabilities were assumed by the GOA using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above. We obtained the amount of the liquidation expenses from page 28 of the GOA's November 26, 1993 supplemental questionnaire response, which was included as Exhibit III-1 of the petition. According to this document, the GOA assumed 43,700,000 pesos in claims against the company during the privatization and liquidation process of the company. We have not been able to determine the amount of environmental liabilities assumed by the GOA on behalf of the producer of the subject merchandise. We will continue to try to quantify these liabilities for the final determination. Therefore, for the purpose of this preliminary determination, the estimated subsidy rate is based solely on the reported 43,700,000 figure of assumed relief from liquidation expenses.

To calculate the net subsidy rate, we divided the benefit amount allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 0.90 percent *ad valorem*.

## 4. Additional Subsidies From Reorganization/Privatization Under Decree 1144/92

Petitioners allege that, pursuant to Decree 1144/92, the GOA cancelled all of SOMISA's debt that it had incurred from April 1, 1991, through January 1, 1992, exempted SOMISA from the stamp tax and from other taxes which were imposed on the transfer of assets and land, and assumed SOMISA's early retirement benefit liabilities that it had incurred prior to its privatization. In 1991 *Cold-Rolled Flat Products*, the Department acknowledged the bestowal of these subsidies under Decree 1144/92 but determined that any potential benefits would have been realized subsequent to the period covered by that proceeding (see 62 FR 38257, 38262).

As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate

in this investigation. Therefore, based on adverse facts available, we preliminarily determine that this program conferred countervailable benefits upon Siderar during the POI in the form of (1) retirement payments to employees made by the GOA on behalf of SOMISA; (2) stamp tax exemptions; (3) SOMISA's retention of labor liabilities that should have passed on to APSA, a Siderar predecessor; and (4) the GOA's forgiveness of SOMISA debt that accrued between April 1, 1991, through January 1, 1992. Because this assistance was limited to the producer of the subject merchandise and to government-owned companies in the process of being privatized, we preliminarily determine that this program is specific under section 771(5A) of the Act. The benefits received under this program also constitute a financial contribution in the form of a grant because they are effectively a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.

To calculate the benefits under this program, we treated the subsidies described above as non-recurring grants received in 1992. With respect to the stamp tax exemption, we note that this exemption was tied to the capital assets of the company. Therefore, we are also determining this tax exemption to be a non-recurring benefit under 19 CFR 351.524(c)(2) (2000). We then allocated the subsidies over the time period corresponding to the AUL using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above.

We derived the grant amounts for the retirement payments, retention of labor liabilities, and stamp tax exemptions by using information from the public version of the GOA's November 26, 1993 and February 24, 1994 questionnaire responses, which were included as Exhibits III-1 and III-2 of the petition. According to page 35 of the November 26, 1993 GOA questionnaire response, the amount of the stamp tax exemption was equal to 6,396,179.88 pesos. In addition, according to page 18 of the November 26, 1993 GOA questionnaire response, the GOA also assumed 12,576,399.85 pesos of the company's labor and social security obligations during the company's privatization. Furthermore, according to page 8 of the February 24, 1994 supplemental questionnaire response, the GOA paid 164,470,422.93 pesos to restructure the company's workforce during its privatization.

<sup>8</sup> SOMISA Residual is the name that petitioners use to describe the company that they allege was set up by the GOA to assume all of the unwanted assets and liabilities that the government did not want to attribute to APSA.

We derived the grant amount for the forgiveness of debt that accrued between April 1, 1991, through January 1, 1992 by taking the difference between SOMISA's "Other Debt" liabilities between June 30, 1991, and June 30, 1992. Based upon this data, we derived a reported debt assumption of 126,296,883 pesos. We obtained information on SOMISA's liabilities from the company's 1992 Financial Statement, which was included as Exhibit III-15 of the petition. We assumed that the difference in these liabilities was the result of debt assumed by the GOA. We assumed that the reduction in these liabilities was the result of the GOA's debt assumption because the company could not pay its own liabilities because it was losing approximately 20 million dollars a month during this time and its operations were being supported by the accumulation of debt. *See* R. Mooney and S. Griffith, "Privatizing a Distressed State-Owned Enterprise: Lessons Learned through Privatization Work in Argentina's Steel Sector," *Columbia Journal of World Business* (Spring 1993) which was included as Exhibit IV-4 of the November 13, 2000 petition.

To calculate the net subsidy rate for this program, we divided the above-listed benefit amounts allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 5.46 percent *ad valorem*.

#### 5. Investment Commitment

Petitioners allege that, at the time of the company's privatization in 1992, the GOA required all bidders to infuse \$100 million into the company within two years of the sale. Petitioners allege that the investment commitment constitutes an indirect subsidy induced by GOA action in which the GOA "directed or entrusted" the purchasers of the producer of the subject merchandise to make a \$100 million infusion into the company. Petitioners further allege that Siderar continued to benefit from this \$100 million contribution during the POI. In support of the allegation, petitioners cite to a section of GOA Law 24,045 and to GOA questionnaire responses from a prior proceeding in which the terms of the investment commitment are described.

As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the investment commitment was conducted at the behest of the GOA, and that this

investment conferred countervailable benefits upon Siderar during the POI. Because this assistance was limited to the producer of the subject merchandise, we preliminarily determine that this program is specific under section 771(5A) of the Act. The investment commitment received under this program also constitutes a financial contribution within the meaning of section 771(5)(D)(iv) of the Act.

Information from the GOA's November 26, 1993 questionnaire response, which was included as Exhibit III-1 in the petition, indicates a portion of the investment commitment was made in 1993. Accordingly, we have treated that portion of the investment commitment as a non-recurring grant received in 1993. In addition, we are assuming that the remaining balance of the investment commitment was made in the following year because the full amount of the investment commitment had to be paid within two years of the company's sale. Thus, we have treated the remaining balance as a non-recurring grant received in 1994. We note that information in the petition indicates that the company was transferred by the GOA to private parties in 1992. Therefore, we have used 1992 as the date of approval for the investment commitment.

To calculate the benefits under this program, we treated the investment commitment as a non-recurring grant. We then allocated the subsidies over the time period corresponding to the AUL using our standard grant allocation methodology. Because we have preliminarily determined that the company was uncreditworthy in 1992, we used as our discount rate the uncreditworthy benchmark discussed above.

To calculate the net subsidy rate, we divided the benefit amounts allocable to the POI by Siderar's estimated total sales as of June 30, 2000. On this basis, we preliminarily determine the net countervailable subsidy to be 2.03 percent *ad valorem*.

#### 6. Rebate of Indirect Taxes (Reembolso)

Under the Reembolso program, the GOA provides a cumulative tax rebate paid upon export and the rebate is calculated as a percentage of the f.o.b. invoice of the exported merchandise. In October 1986, the GOA through Decree 1555/86 established three broad rebate levels covering all products and industry sectors. The rates for levels I, II, and III were 10 percent, 12.5 percent, and 15 percent, respectively. According to the petition, the subject merchandise is classified in level I and is eligible for

a 10 percent rebate. The Department has previously found that this program provides a countervailable benefit to Argentine exporters. *See, e.g., Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Certain Welded Carbon Steel Pipe and Tube Products From Argentina*, 53 FR 37619 (September 27, 1988).

Under 19 CFR 351.518(a)(4) (2000), the entire amount of the rebate confers a benefit unless the government of the country subject to the investigation has confirmed which inputs are consumed in the production of the exported product and in what amounts, and has confirmed which indirect taxes are imposed on those inputs. We note that according to the company's financial statement covering the POI, it received export rebates under this program during 1999. Because the GOA has not established that the Reembolso rebate only refunds the actual indirect taxes incurred on inputs of items consumed in the production of exports of the subject merchandises, we preliminarily determine that the entire rebate is countervailable under 19 CFR 351.518(a)(4) (2000). Therefore, the calculated net countervailable subsidy for this program during the POI is 10.00 percent *ad valorem*.

#### 7. Pre- and Post-Shipment Export Financing

On September 24, 1982, the Central Bank of Argentina established a post-financing program for exports under Circular OPRAC 1-9. OPRAC 1-9 loans are granted for up to 30 percent of the peso equivalent of the foreign currency in which the export transaction was paid. The term of the loan is 180 days. The interest rate charged on OPRAC 1-9 loans is the regulated rate used by commercial banks, as required under the regulations of the Central Bank of Argentina.

Petitioners allege that Siderar benefitted from pre- and post-export financing during the POI. As stated above in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that Siderar received countervailable benefits under this program. We note that according to the company's financial statement covering the POI, it received import and export financing during 1999.

In *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 49 FR 18006, 18007 (April 26,

1984) (*Investigation of Cold-Rolled Flat Products*), we determined that SOMISA, a predecessor of Siderar, used and benefitted from pre- and post-shipment export financing. In the absence of a response from the GOA and Siderar, we are assuming, as adverse facts available, that the level of financing Siderar and its predecessors received under this program has remained unchanged since the *Investigation of Cold-Rolled Flat Products*. Therefore, to calculate the net subsidy rate for Siderar under this program, we are using the net subsidy rate calculated for its predecessor, SOMISA, in the *Investigation of Cold-Rolled Flat Products*.

We note that in an attempt to corroborate the net subsidy rate calculated in the *Investigation of Cold-Rolled Flat Products*, we reviewed the information in the petition, including SOMISA's 1991 and 1992 Financial Statements and Siderar's June 30, 2000 Financial Statement. However, the petition and the financial statements did not provide any data that could be used to quantify SOMISA's or Siderar's use of the program. On this basis, we preliminarily determine the net countervailable subsidy to be 0.01 percent *ad valorem*.

#### 8. Zero-Tariff Turn Key Bill

Petitioners allege that the GOA, through the state-owned Investment and Foreign Trade Bank (BICE), provides duty exemptions/reductions that are contingent upon export performance.

Information from a World Trade Organization publication indicates that "direct assistance has been provided to exports under turn key contracts." Furthermore, an article from the newspaper *La Nación* states that under the program, companies designated as turn key plants would benefit from "subsidized import tariffs." We note that both of these articles were included in the petition. See Exhibits IV-5 and IV-9 of the November 13, 2000 petition, respectively. As stated in the "Use of Facts Available" section of this notice, the GOA and Siderar declined to participate in this investigation. Therefore, based on adverse facts available, we preliminarily determine that the information in the petition indicates that Siderar received countervailable benefits under this program. Because this program is only available to exporters, we preliminarily determine that this program constitutes an export subsidy under section 771(5A)(A) of the Act. A financial contribution is also conferred by this program in the form of revenue forgone within the meaning of section 771(5)(D)(ii) of the Act.

The article from *La Nación* states that in 1997 the GOA approved under the turn key bill \$207 million in tariff exemptions for 114 investment projects, including investment projects undertaken by Siderar. As adverse facts available, we are assuming that Siderar's share of exemptions was equal to those received by the other projects. We note that 19 CFR 351.524(c) (2000) states that tax exemptions can be treated as recurring benefits that are allocated (e.g., expensed) in their entirety to the year of receipt. As adverse facts available, we are assuming that Siderar received the tariff exemptions on a recurring basis in an amount equal to the tariff exemptions that we estimated for 1997. On this basis, we preliminarily determine that Siderar received a countervailable benefit under this program during the POI.

To calculate the benefit from this program, we divided the amount of Siderar's 1999 tariff exemptions by its estimated value of total exports for the POI.<sup>9</sup> We used the estimated value of total exports rather than total sales because this program is an export subsidy under section 771(5A)(B) of the Act. We note that Siderar's estimated tariff exemptions were denominated in U.S. dollars. Therefore, we converted the amount of the tariff exemptions into pesos using the average peso/U.S. dollar exchange rate for 1999. On this basis, we preliminarily determine the net countervailable subsidy rate to be 0.42 percent *ad valorem*.

#### Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for the company under investigation, Siderar. With respect to the "all others" rate, section 705(c)(5)(A)(ii) of the Act provides that if the countervailable subsidy rates established for all exporters and producers individually investigated are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish an "all others" rate for exporters and producers not individually investigated. In this case, although the rate for the only other investigated company is based entirely on facts available under section 776 of the Act, there is no other information on

the record upon which we could determine an "all others" rate. As a result, we have used the rate for Siderar as the "all others" rate.

Producer/exporter	Net subsidy rate (percent)
Siderar .....	40.79 <i>Ad Valorem</i>
All Others .....	40.79 <i>Ad Valorem</i>

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Argentina, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above. This suspension will remain in effect until further notice.

#### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

#### Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the

<sup>9</sup> Using adverse facts available, we estimated Siderar's export sales as of June 30, 2000, by multiplying the ratio of its export to total shipments in net tons by the total sales figure discussed above. We applied this same ratio to the estimated freight figure discussed above. We then subtracted the estimated freight on export sales from the estimated export sales figure to arrive at an estimated f.o.b. export sales figure as of June 30, 2000.



time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 7, 2001.

**Bernard T. Carreau,**  
Deputy Assistant Secretary, AD/CVD  
Enforcement II.

[FR Doc. 01-4281 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-063]

#### Certain Iron-Metal Castings From India: Notice of Court Decision

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of court decision.

**SUMMARY:** On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

**EFFECTIVE DATE:** February 21, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,849 (Aug. 29, 1995) (the 1990 period of review), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 00-148 (CIT Nov. 9, 2000), the court remanded the final results of the 1990 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebate from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 01-6 (CIT Jan. 24, 2001).

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 01-6 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

**Holly A. Kuga,**

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01-4286 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-063]

#### Certain Iron-Metal Castings From India: Notice of Court Decision

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of court decision.

**SUMMARY:** On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

**EFFECTIVE DATE:** February 21, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,843 (Aug. 29, 1995) (the 1991 period of review), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 00-147 (CIT Nov. 9, 2000), the court remanded the final results of the 1991 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebates from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 01-5 (CIT Jan. 24, 2001).



In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 01-5 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01-4287 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-427-819, C-428-829, C-421-809, C-412-821]

### Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of extension of time limit for preliminary determinations in countervailing duty investigations.

**SUMMARY:** The Department of Commerce is extending the time limit of the preliminary determinations in the countervailing duty (CVD) investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom from March 2, 2001 until no later than May 7, 2001. This extension is made pursuant to section 703(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Michael Grossman (France) at (202) 482-3146; Robert Copyak (Germany) at (202) 482-2209; Stephanie Moore (the

Netherlands) at (202) 482-3692; and Eric B. Greynolds (the United Kingdom) at (202) 482-6071, Office of AD/CVD Enforcement VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

##### Extension of Due Date for Preliminary Determinations

On December 27, 2000, the Department of Commerce (the Department) initiated the CVD investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom. See *Notice of Initiation of Countervailing Duty Investigations: Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom*, 66 FR 1085 (January 5, 2001). Currently, the preliminary determinations are due no later than March 2, 2001. However, pursuant to section 703(c)(1)(B) of the Act, we have determined that these investigations are "extraordinarily complicated" and are therefore extending the due date for the preliminary determinations to no later than May 7, 2001.

Under section 703(c)(1)(B), the Department can extend the period for reaching a preliminary determination until not later than the 130th day after the date on which the administering authority initiates an investigation if:

(B) The administering authority concludes that the parties concerned are cooperating and determines that—

(i) The case is extraordinarily complicated by reason of—

(I) The number and complexity of the alleged countervailable subsidy practices;

(II) The novelty of the issues presented;

(III) The need to determine the extent to which particular countervailable subsidies are used by individual manufacturers, producers, and exporters; or

(IV) The number of firms whose activities must be investigated; and

(ii) Additional time is necessary to make the preliminary determination.

Regarding the first requirement, we find that in each case all concerned parties are cooperating. Regarding the second requirement, we find that each of these four cases is extraordinarily complicated for the following reasons.

#### France

The French CVD investigation is extraordinarily complicated because of the novelty of the issues presented. We are investigating an allegation that the Government of France through its national electric utility, Electricite de France, purchased uranium from the producer of the subject merchandise at prices that constitute "more than adequate remuneration" under section 771(5)(E)(iv) of the Act. This is a novel issue because this is the first time the Department has investigated this type of subsidy allegation.

#### Germany, the Netherlands, and the United Kingdom

These three investigations are extraordinarily complicated because of the novelty of the issue presented. Petitioners have alleged that a single cumulative CVD rate applicable to all of Urenco Ltd.'s operations in Germany, the Netherlands, and the United Kingdom should be applied. Urenco Ltd. is the holding company for a group of companies located in Germany, the Netherlands, and the United Kingdom which produce enriched uranium for commercial sale. The Urenco Group was created in 1971, pursuant to the Treaty of Almelo, signed by the governments of Germany, the Netherlands and the United Kingdom. Therefore, the Department is investigating, and must determine, whether the subsidies provided by the three Treaty of Almelo countries to the Urenco Group's operations in Germany, the Netherlands, and the United Kingdom should be attributed to the sales of all of Urenco's international operations because Urenco is an "international consortium" under section 701(d) of the Act. To date, the provisions of section 701(d) have never been used in any CVD investigation or administrative review. Thus, we determine this to be a novel issue.

Accordingly, we deem these four investigations to be extraordinarily complicated and determine, with regard to the third requirement noted above, that additional time is necessary to make the preliminary determinations. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determinations in these investigations to no later than May 7, 2001.

This notice is published pursuant to section 703(c)(2) of the Act. Effective

January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 9, 2001.

**Bernard T. Carreau,**

*Deputy Assistant Secretary, AD/CVD Enforcement II.*

[FR Doc. 01-4282 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, March 6, 2001 from 8:30 a.m. to 4 p.m. and Wednesday, March 7, 2001 from 9:15 a.m. to 11 a.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a briefing on construction of the Advanced Measurement Laboratory; a presentation, "In the News: What Are They Saying About NIST?"; and participation by members in the NIST Centennial event, "NIST and Industry: Teaming Up in the New Century." Discussions scheduled to begin at 8:30 a.m. end at 10:15 a.m. on March 6, 2001 and to begin at 9:15 a.m. and to end at 11 a.m. on March 7, 2001, on staffing of management positions at NIST, the NIST budget, including funding levels of the Advanced Technology Program and the Manufacturing Extension Partnership, and feedback sessions will be closed.

**DATES:** The meeting will convene March 6, 2001 at 8:30 a.m. and will adjourn at 11 a.m. on March 7, 2001.

**ADDRESSES:** The meeting will be held in the Tenth Floor Conference Room, Administration Building, at NIST, Gaithersburg, Maryland.

**FOR FURTHER INFORMATION CONTACT:**

Janet R. Russell, Administrative Coordinator, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, MD 20899-1004, telephone number (301) 975-2107.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 12, 2001, that portions of the meeting of the visiting Committee on Advanced Technology which involve discussion of proposed funding of the Advanced Technology Program and the Manufacturing Extension Partnership Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing issues of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 14, 2001.

**Karen H. Brown,**

*Acting Director.*

[FR Doc. 01-4245 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-CN-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021301D]

#### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Oversight Committee and Advisory

Panel, Habitat Oversight Committee, Scientific and Statistical Committee (SSC) and Scallop Committee in March, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held between Tuesday, March 6, 2001 and Monday, March 12, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held in Warwick, RI, Newburyport, Danvers and East Boston, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

**FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

**SUPPLEMENTARY INFORMATION:**

#### Meeting Dates and Agendas

*Tuesday, March 6, 2001, 10 a.m.—* Scientific and Statistical Committee  
Location: Rossi's, 50 Water Street, Newburyport, MA 01950; telephone: (978) 499-0240.

The SSC committee will develop plans to provide the Council advice on the priorities identified by the Council. These include: (1) Review of fishing mortality and biomass reference points for selected groundfish species and skates; (2) Review of changes in the scallop reference points that might result from a rotational area management strategy and the scientific basis of proposed scallop rotational area management measures as developed by the Council and Scallop Plan Development Team (PDT); (3) Evaluation of the available information on the stock structure of monkfish and its implications for management. Review of the monkfish assessment update (to be done by the Monkfish Monitoring committee, and review of fishing mortality and biomass reference points; (4) Review of the update of whiting status that will be completed by the Whiting PDT; (5) Other issues that it might advise the Council on such as the potential value of marine protected areas (MPAs) and closed areas (quantify benefits from existing closed areas) and multispecies management issues.

*Tuesday, March 6, 2001, 9:30 a.m.—* Joint Skate Committee and Advisory Panel Meeting.

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739-3000.

The agenda will include a review of comments received during scoping period for Skate Fishery Management Plan (FMP). The committee and advisory panel will review Skate PDT report and provide additional guidance to the PDT. They will also develop management alternatives for Draft Skate FMP and public hearing document.

*Wednesday, March 7, 2001, 9:30 a.m.*—Habitat Oversight Committee.

Location: Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978)777-2500.

The agenda will include a discussion of habitat measures, alternatives and analyses to be included in the Groundfish FMP Amendment 13 Draft Supplementary Environmental Impact Statement (DSEIS). The committee will consider preliminary information on required essential fish habitat (EFH) components of proposed Skate and Red Crab FMPs. They will also review EFH Consultation activities, including a proposed General Concurrence for U.S. Army Corps of Engineers Philadelphia District's Nationwide Permit Program.

The Committee will review applications to the Advisory Panel in a CLOSED SESSION.

*Monday, March 12, 2001, 9:30 a.m.*—Scallop Oversight Committee Meeting.

Location: Airport Holiday Inn, 225 McClellan Highway, East Boston, MA 02128; telephone: (617)569-5250.

The Scallop Oversight Committee will approve problem statements, goals and objectives, and proposed management alternatives outline for Amendment 10.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting dates.

Dated: February 14, 2001.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-4296 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021301A]

### Endangered Species; Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of three applications for scientific research permits (1290, 1291, 1292).

**SUMMARY:** Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received applications for ESA section 10(a)(1)(A) scientific research permits from the Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFS); the U.S. Geological Survey at Cook, WA (USGS); and the U.S. Forest Service at La Grande, OR (USFS).

**DATES:** Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on March 23, 2001.

**ADDRESSES:** Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1290, 1291, 1292: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737 (ph: 503-230-5400, fax: 503-230-5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

**FOR FURTHER INFORMATION CONTACT:** For permits 1290, 1291, 1292: Robert Koch, Portland, OR (ph: 503-230-5424, fax: 503-230-5435, e-mail: Robert.Koch@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16

U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see ADDRESSES). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

### Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall; threatened lower Columbia River (LCR); threatened upper Willamette River (UWR).

Chum salmon (*O. keta*): threatened Columbia River.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR; threatened middle Columbia River (MCR); threatened LCR; threatened UWR.

### New Applications Received

The Fish Ecology Division of the Northwest Fisheries Science Center, NMFS requests a 5-year permit (1290) for annual takes of 11 of the 12 ESA-listed anadromous fish species identified in this notice (all ESU's except endangered SnR sockeye salmon) associated with research to be conducted in the Columbia River estuary. The purpose of the research is to determine the prevalence and intensity of pathogens in juvenile salmonids. The research will benefit ESA-listed salmonids by contributing information on the extent to which

diseases affect the growth and survival of juvenile salmonids in the estuarine and early ocean environments. This proposed research project is intended to complement the pathogen research that is being conducted by the Environmental Conservation Division, NWFSC, NMFS under scientific research permit 1140 (see 63 FR 18891, April 16, 1998). ESA-listed juvenile fish are proposed to be captured, handled, and released or taken lethally. ESA-listed juvenile fish indirect mortalities are also requested. ESA-listed juvenile fish indirect mortalities are proposed to be retained for research purposes or returned to the water.

The Columbia River Research Laboratory, USGS requests a 5-year permit (1291) for annual takes of SnR sockeye salmon, SnR spring/summer chinook salmon, SnR fall chinook salmon, UCR spring chinook salmon, SnR steelhead, UCR steelhead, and MCR steelhead associated with scientific research at John Day, The Dalles, and Bonneville Dams on the lower Columbia River in the Pacific Northwest. The purpose of the research is to monitor juvenile fish movement, distribution, behavior, and survival from John Day Dam downstream past Bonneville Dam using radiotelemetry technology. The research will benefit ESA-listed fish species by providing information on spill effectiveness, forebay residence times, and guidance efficiency under various flow regimes that will allow Federal resource managers to make adjustments to bypass/collection structures to optimize downriver migrant survival at the hydropower projects. The proposed research is intended to complement the research that is being conducted by USGS under scientific research permit 1130 (see 63 FR 9505, February 25, 1998). ESA-listed juvenile fish are proposed to be obtained from Smolt Monitoring Program (SMP) personnel at Bonneville and/or John Day Dams, handled, and released or implanted with radio transmitters, transported, held for as long as 24 hours, released, and tracked electronically. SMP personnel are authorized to collect ESA-listed juvenile fish under a separate take authorization. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

The Pacific Northwest Research Station of USFS requests a 2-year permit (1292) for annual takes of UCR spring chinook salmon, UCR steelhead, and MCR steelhead associated with research to be conducted in the Yakima River subbasin, the Wenatchee River subbasin, the Entiat River subbasin, and the Methow River subbasin in

Washington. The purpose of the research is to determine the extent and distribution of hybridization between westslope cutthroat trout, rainbow trout, and anadromous steelhead for selected populations in the MCR and UCR Basins. The research will benefit ESA-listed species by providing information on westslope cutthroat trout and rainbow trout/steelhead interactions and could provide insight into possible genetic introgression of introduced rainbow trout stocks in the areas of native rainbow trout/steelhead distribution. USFS also proposes to analyze phenotypic characteristics that may be used by biologists in the future to more definitively distinguish cutthroat trout, rainbow trout/steelhead, and hybrid forms in the field. ESA-listed juvenile fish are proposed to be captured by the use of angling with flies that have barbless hooks. After being captured, the juvenile fish are proposed to be released immediately (in the case of non-target species) or examined for biological information, sampled non-lethally for caudal fin tissue, and released. ESA-listed juvenile fish indirect mortalities associated with the research are also requested.

Dated: February 13, 2001.

**Phil Williams,**

*Acting Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 01-4169 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D.020601A]

#### Marine Mammals; File No. 782-1446-03

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that the Alaska Fisheries Science Center, National Marine Mammal Laboratory, 7600 Sand Point Way, NE, Seattle, WA 98115 has been issued an amendment to scientific research Permit No. 782-1446.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115-0070 (206/526-6150); and Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4001).

#### FOR FURTHER INFORMATION CONTACT:

Ruth Johnson or Tammy Adams, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On December 27, 2000 notice was published in the **Federal Register** (65 FR 81844) that an amendment of Permit No. 782-1446, issued May 8, 1998 (63 FR 27265), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 782-1446 authorizes the permit holder to annually conduct aerial, ground and vessel surveys and capture and tagging studies for stock assessment of harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and northern elephant seals (*Mirounga angustirostris*).

The amendment now authorizes the capture, sampling and local or gas anesthesia for California sea lions of both sexes and ages 1 month through 5 years at hauling and breeding sites and incidental harassment of northern elephant.

Dated: February 13, 2001.

**Eugene Nitta,**

*Acting Chief, Permits and Documentation  
Division, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 01-4170 Filed 2-20-01; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

February 15, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs establishing limits.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

A notice published in the **Federal Register** on December 29, 2000 (65 FR 82978), established limits for the period January 1, 2001 through March 31, 2001, per the Bilateral Textile Agreement, effected by exchange of letters dated January 10, 1997, May 2, 1997 and December 10, 1997, as amended and extended, concerning textiles and textile products, produced or manufactured in Taiwan. This directive cancels and supersedes that directive.

The Memorandum of Understanding, dated February 9, 2001, between the Governments of the United States and Taiwan establishes new limits for the period January 1, 2001 through December 31, 2001. It also removes Category 622 from Group I and gives it an individual limit.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2001 limits.

These limits may be revised if Taiwan becomes a member of the World Trade Organization (WTO) and the WTO agreement is applied to Taiwan.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000).

#### D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

February 15, 2001.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive cancels and supersedes the directive issued to you on December 26, 2000. Pursuant to section 204

of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement, effected by the Memorandum of Understanding, dated February 9, 2001, between the Governments of the United States and Taiwan, you are directed to prohibit, effective on February 21, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001, in excess of the following levels of restraint:

Category	Twelve-month limit
Group I	
200-224, 225/317/326, 226, 227, 229, 300/301/607, 313-315, 360-363, 369-L/670-L/870 <sup>1</sup> , 369-S <sup>2</sup> , 369-O <sup>3</sup> , 400-414, 464-469, 600-606, 611, 613/614/615/617, 618, 619/620, 621, 623, 624, 625/626/627/628/629, 665, 666, 669-P <sup>4</sup> , 669-T <sup>5</sup> , 669-O <sup>6</sup> , 670-H <sup>7</sup> and 670-O <sup>8</sup> , as a group.	590,414,162 square meters equivalent.
Sublevels in Group I	
218 .....	22,757,291 square meters.
225/317/326 .....	40,394,130 square meters.
226 .....	7,330,245 square meters.
300/301/607 .....	1,766,924 kilograms of which not more than 1,472,437 kilograms shall be in Category 300; not more than 1,472,437 kilograms shall be in Category 301; and not more than 1,472,437 kilograms shall be in Category 607.
363 .....	12,267,896 numbers.
369-L/670-L/870	50,978,346 kilograms.
611 .....	3,280,217 square meters.
613/614/615/617 ..	20,343,581 square meters.
619/620 .....	14,952,847 square meters.
625/626/627/628/629.	19,457,186 square meters.
669-P .....	353,724 kilograms.
669-T .....	1,149,681 kilograms.
670-H .....	19,520,976 kilograms.

Category	Twelve-month limit
Group I subgroup	
200, 219, 313, 314, 315, 361, 369-S and 604, as a group.	150,152,129 square meters equivalent.
Within Group I subgroup	
200 .....	735,331 kilograms.
219 .....	16,735,410 square meters.
313 .....	67,991,225 square meters.
314 .....	29,810,202 square meters.
315 .....	22,842,212 square meters.
361 .....	1,477,119 numbers.
369-S .....	490,037 kilograms.
604 .....	235,788 kilograms.
Group II	
237, 239, 330-332, 333/334/335, 336, 338/339, 340-345, 347/348, 349, 350/650, 351, 352/652, 353, 354, 359-C/659-C <sup>9</sup> , 359-H/659-H <sup>10</sup> , 359-O <sup>11</sup> , 431-444, 445/446, 447/448, 459, 630-632, 633/634/635, 636, 638/639, 640, 641-644, 645/646, 647/648, 649, 651, 653, 654, 659-S <sup>12</sup> , 659-O <sup>13</sup> , 831-844 and 846-859, as a group.	755,000,000 square meters equivalent.
Sublevels in Group II	
237 .....	718,428 dozen.
239 .....	5,889,744 kilograms.
331 .....	514,862 dozen pairs.
336 .....	122,400 dozen.
338/339 .....	818,999 dozen.
340 .....	1,122,271 dozen.
345 .....	127,893 dozen.
347/348 .....	1,064,931 dozen of which not more than 1,064,931 dozen shall be in Categories 347-W/348-W <sup>14</sup> .
352/652 .....	3,247,391 dozen.
359-C/659-C .....	1,447,633 kilograms.
359-H/659-H .....	4,867,714 kilograms.
433 .....	15,546 dozen.
434 .....	10,796 dozen.
435 .....	25,633 dozen.
436 .....	5,104 dozen.
438 .....	28,807 dozen.
440 .....	5,580 dozen.
442 .....	43,827 dozen.
443 .....	43,526 numbers.
444 .....	61,991 numbers.
445/446 .....	137,462 dozen.
631 .....	5,165,759 dozen pairs.

Category	Twelve-month limit
633/634/635 .....	1,634,440 dozen of which not more than 959,317 dozen shall be in Categories 633/634 and not more than 850,077 dozen shall be in Category 635.
638/639 .....	6,565,058 dozen.
640 .....	1,058,909 dozen of which not more than 281,710 dozen shall be in Category 640—Y <sup>15</sup> .
642 .....	777,133 dozen.
643 .....	517,986 numbers.
644 .....	779,385 numbers.
645/646 .....	4,107,691 dozen.
647/648 .....	5,248,544 dozen of which not more than 5,248,544 dozen shall be in Categories 647—W/648—W <sup>16</sup> .
659—S .....	1,601,702 kilograms.
835 .....	20,483 dozen.
Group II Subgroup	
333/334/335, 341, 342, 350/650, 351, 447/448, 636, 641 and 651, as a group.	78,202,812 square meters equivalent.
Within Group II Subgroup	
333/334/335 .....	314,899 dozen of which not more than 170,571 dozen shall be in Category 335.
341 .....	343,328 dozen.
342 .....	214,478 dozen.
350/650 .....	139,460 dozen.
351 .....	356,821 dozen.
447/448 .....	21,242 dozen.
636 .....	391,224 dozen.
641 .....	732,543 dozen of which not more than 256,390 dozen shall be in Category 641—Y <sup>17</sup> .
651 .....	447,478 dozen.
Group III	
Sublevel in Group III	
845 .....	853,769 dozen.
Specific Limit not in a Group	
622 .....	2,650,000 square meters.

<sup>1</sup> Category 870; Category 369—L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091 and 6307.90.9905; Category 670—L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907.

<sup>2</sup> Category 369—S: only HTS number 6307.10.2005.

<sup>3</sup> Category 369—O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091, 6307.90.9905 (Category 369—L); and 6307.10.2005 (Category 369—S).

<sup>4</sup> Category 669—P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

<sup>5</sup> Category 669—T: only HTS numbers 6306.12.0000, 6306.19.0010 and 6306.22.9030.

<sup>6</sup> Category 669—O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669—P); 6306.12.0000, 6306.19.0010 and 6306.22.9030 (Category 669—T).

<sup>7</sup> Category 670—H: only HTS numbers 4202.22.4030 and 4202.22.8050.

<sup>8</sup> Category 670—O: all HTS numbers except 4202.22.4030, 4202.22.8050 (Category 670—H); 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670—L).

<sup>9</sup> Category 359—C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659—C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

<sup>10</sup> Category 359—H: only HTS numbers 6505.90.1540 and 6505.90.2060; Category 659—H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

<sup>11</sup> Category 359—O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359—C); 6505.90.1540 and 6505.90.2060 (Category 359—H).

<sup>12</sup> Category 659—S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

<sup>13</sup> Category 659—O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010 (Category 659—C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659—H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659—S).

<sup>14</sup> Category 347—W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348—W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

<sup>15</sup> Category 640—Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

<sup>16</sup> Category 647—W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648—W: only HTS numbers 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

<sup>17</sup> Category 641—Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

Also effective on February 21, 2001, imports from Taiwan in Category 622 that have already been charged to the Group I limit for the January 1, 2001 through March 31, 2001 restraint period, shall be deducted from the Group I limit and charged to the new one-year restraint limit for Category 622.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement concerning imports of textile and apparel products from Taiwan.

Products in the above categories exported during 2000 shall be charged to the applicable category limits for that year (see directive dated November 2, 1999) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

These limits may be revised if Taiwan becomes a member of the World Trade Organization (WTO) and the WTO agreement is applied to Taiwan.

The conversion factors are as follows:

Category	Conversion factors (square meters equivalent/category unit)
300/301/607 .....	8.5
333/334/335 .....	33.75
352/652 .....	11.3
359—C/659—C .....	10.1
359—H/659—H .....	11.5
369—L/670—L/870 .....	3.8
633/634/635 .....	34.1
638/639 .....	12.5

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,  
D. Michael Hutchinson,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-4265 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-DR-F

## COMMODITY FUTURES TRADING COMMISSION

### Request of the Chicago Mercantile Exchange (CME) for Approval of its Benzene Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of terms and conditions of a commodity futures contract.

**SUMMARY:** The Chicago Mercantile Exchange (CME or Exchange) has requested that the Commission approve its benzene futures contract, pursuant to the provisions of section 5c(c)(2)(A) of the Commodity Exchange Act as amended. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by the Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interest persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before March 23, 2001.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418-5521 or by electronic mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to the CME benzene futures contract.

**FOR FURTHER INFORMATION CONTACT:** Please contact Joseph Storer of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC (202) 418-5282. Facsimile number: (202) 418-5527. Electronic mail: [jstorer@cftc.gov](mailto:jstorer@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418-5100.

Other materials submitted by the CME in support of the request for approval may be available upon request pursuant

to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (2000)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CME should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on February 14, 2001.

**John R. Mielke,**

*Acting Director.*

[FR Doc. 01-4227 Filed 2-20-01; 8:45 am]

**BILLING CODE 6351-01-M**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0012]

#### Proposed Collection; Comment Request Entitled Termination Settlement Proposal Forms—FAR (Standard Forms 1435 through 1440)

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0012).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Termination Settlement Proposal Forms—FAR (Standard Forms 1435 through 1440). The clearance currently expires on May 31, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper

performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before April 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Linda Klein, Federal Acquisition Policy Division, GSA (202) 501-3775.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000-0012, Termination Settlement Proposal—FAR (SF's 1435 through 1440), in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Linda Klein, Federal Acquisition Policy Division, GSA (202) 501-3775.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The termination settlement proposal forms (Standard Forms 1435 through 1440) provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiation position. Submission of the information assures that a contractor will be fairly reimbursed upon settlement of the terminated contract.

##### B. Annual Reporting Burden

*Respondents:* 864.  
*Responses Per Respondent:* 2.4.  
*Total Responses:* 2,074.  
*Hours Per Response:* 2.5.  
*Total Burden Hours:* 5,185.

##### C. Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRs), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0012, Termination Settlement Proposal Forms—FAR (SF's 1435 through 1440), in all correspondence.



Dated: February 15, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-4234 Filed 2-20-01; 8:45 am]

BILLING CODE 6820-34-U

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Announcement of Intent to Grant an Exclusive License for U.S. Army-Owned Patents and Patent Application

**AGENCY:** Picatinny Arsenal, New Jersey, Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army announces, that unless there is objection, in fifteen days it will enter into an agreement that would grant Executive license to AZTECH, a non-profit New York corporation with a principal place of business at 2495 Main Street, Suite 418, Buffalo, NY 14214-2152, for U.S. Patent numbers 5,523,742 entitled Motion Sensor, 5,610,590 entitled Motion Sensor, 5,875,309 entitled Personal Motion Event Monitor, and for a United States patent application numbered 09/553,177 entitled Personal Event Monitor with Linear Omnidirectional Response.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Moran, Chief, Intellectual Property Law Division, AMSTA-AR-GCL, U.S. Army TACOM-ARDEC, Picatinny Arsenal, NJ 07806-5000, Telephone (973) 724-6590, e-mail: jfmoran@pica.army.mil

**SUPPLEMENTARY INFORMATION:** Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 01-4247 Filed 2-20-01; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Adopt a Final Environmental Impact Statement

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice.

**SUMMARY:** The Army Corps of Engineers, Los Angeles District, has reviewed the Final Environmental Impact Statement (FEIS) prepared by the U.S. Department

of Transportation, Federal Highway Administration (FHWA), dated January 21, 2000, for State Route 125 South, between Otay Mesa and Spring Valley in San Diego, San Diego County, California. The Army Corps of Engineers intends to adopt all or a portion of the FEIS for purposes of compliance with the National Environmental Policy Act (NEPA).

**DATES:** Written comments must be received by March 23, 2001. This notice solicits comments on the Army Corps of Engineers intent to adopt the FEIS only.

**ADDRESSES:** U.S. Army Corps of Engineers, ATTN: CESPL-CO-R, San Diego Regulatory Field Office, 16885 West Bernardo Drive, Suite 300A, San Diego, California 92127. Comments may also be submitted, via electronic mail, to: [tdean@spl.usace.army.mil](mailto:tdean@spl.usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry Dean, San Diego Regulatory Field Office, at (858) 674-5386.

**SUPPLEMENTARY INFORMATION:** The proposed project is to construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. From Olympic Parkway to SR-54, four lanes would be initially constructed, with grading for the ultimate configuration to accommodate eight mixed flow lanes (plus a truck climbing lane where needed), a wide median for possibly two future high occupancy vehicle (HOV) lanes or a transit facility. The ultimate typical roadbed would be approximately 194 feet in width. From Otay Mesa Road to Olympic Parkway, four lanes (plus a truck climbing lane where needed) would be initially constructed, with grading for the ultimate configuration to accommodate two additional mixed flow lanes, and a wide median for possibly two future HOV lanes or transit facilities. The ultimate typical roadbed would be approximately 170 feet in width. The project would be 11.2 miles in length and the total right-of-way would encompass approximately 760 acres. Impacts to aquatic resources would encompass an area of approximately 8.16 acres of wetlands (of which 0.24 acre is comprised of 34 vernal pools) and 2.15 acres of non-wetland waters of the United States (U.S.).

On April 19, 2000, the Caltrans submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act (CWA) to discharge fill material into 10.34 acres of waters of the U.S., including jurisdictional wetlands, to

construct a controlled access tollway from Otay Mesa Road to State Route 54 with interchanges at Route 54, future Mount Miguel Road, East "H" Street, Telegraph Canyon Road, Olympic Parkway, and Otay Mesa Road. Impacts to aquatic resources would encompass approximately 8.16 acres of jurisdictional wetlands (of which 0.24 acre is comprised of 34 vernal pools which are within the NEPA Scope of Analysis) and 2.15 acres of non-wetland waters of the U.S. Specifically, the main stem of the roadway would impact 7.21 acres of waters of the U.S., including 5.65 acres of wetlands and 1.56 acres of non-wetland waters of the U.S.; the East "H" Street interchange would impact 2.15 acres of wetlands; the Telegraph Canyon Road interchange would impact 0.39 acre of wetlands; and the Olympic Parkway interchange would impact 0.59 acre of non-wetland waters of the U.S.

Prior to the development of the Draft EIS (DEIS), several scoping meetings were held by the FHWA/California Department of Transportation (Caltrans) to identify local issues and areas of concern. On June 21, 1996, the DEIS was filed with the U.S. Environmental Protection Agency (EPA). The DEIS was circulated for public review from July 12 to September 3, 1996. During the public review period, the FHWA/Caltrans held a public hearing on August 15, 1996. A Supplemental DEIS was signed on March 29, 1999, and circulated for public review from April 9, 1999, until May 24, 1999. The purpose of the Supplemental DEIS was to address potential impacts on the Federally-listed Endangered Species (the Quino checkerspot butterfly) and to notify the public of several minor design and alignment changes to avoid or minimize Corps jurisdictional impacts and conform to existing topography. A public hearing was held by Caltrans/FHWA on May 12, 1999, relative to the Supplemental DEIS. The FEIS was signed by the FHWA on January 21, 2000, and circulated for public review from February 8, 2000, to March 20, 2000. On June 9, 2000, the FHWA signed the Record of Decision.

The Army Corps of Engineers' Regulatory Program at 33 CFR 320-330 requires compliance with the NEPA, the EPA's 404(b)(1) Guidelines, and a public interest evaluation. Accordingly, for purposes of the Army Corps of Engineers' compliance with the NEPA and to prevent duplication of effort, the Army Corps of Engineers intends to adopt all or a portion of the FEIS. However, we have determined further analysis is necessary to document compliance with our public interest requirements and the 404(b)(1)



Guidelines. We will be distributing a notice to the public of the receipt of an application by the Caltrans and solicit comments on the proposed project. An Environmental Assessment will be prepared to address the additional analysis and comments received in response to the Public Notice.

Comments concerning the Caltrans' proposed project must be provided in response to the Los Angeles District Public Notice of the project application, which we anticipate, will be circulated on February 16, 2001. This Public Notice can be obtained by submitting a written request to Mr. Terry Dean at the above listed address or by accessing our Internet web page at <http://www.spl.usace.army.mil>.

Dated: February 14, 2001.

**John P. Carroll,**

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 01-4291 Filed 2-20-01; 8:45 am]

**BILLING CODE 3710-KF-U**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Transfer of Federal Lands to the State of South Dakota

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a DEIS will be prepared to conduct a comprehensive study of the potential impacts of the transfer of Corps of Engineers lands to the State of South Dakota for fish and wildlife purposes, or recreation uses, in perpetuity.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Patsy Freeman, CENWO-PM-AE, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102-4978, telephone at (402) 221-3803, or E-Mail [patricia.l.freeman@usace.army.mil](mailto:patricia.l.freeman@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** As a result of section 605 of the legislation of the Water Resources Development Act (WRDA) Public Law 106-53, August 17, 1999, as amended by WRDA 2000, Title VI—Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, the Secretary of the Army is required to transfer approximately 92,000 acres of land and

recreation areas at Lake Oahe, Lake Sharpe, Lewis & Clark Lake, and Lake Francis Case in South Dakota to the Department of Game, Fish & Parks of the State of South Dakota (SDGFP) for fish and wildlife purposes, or recreation uses, in perpetuity. These lands are located above the top of the exclusive flood pool levels of the Oahe, Big Bend, Fort Randall and Gavin's Point projects; were acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; are located outside the external boundaries of a reservation of an Indian Tribe; and are located within the State of South Dakota. Section 605 also states that the following provisions of law shall apply to land transferred to the State: (1) The National Historic Preservation Act, (2) the Archaeological Resources Protection Act of 1979, and (3) the Native American Graves Protection Act and Repatriation Act.

Approximately 54 recreation areas will be transferred. WRDA 2000 requires transfer of recreation areas by January 1, 2002. The legislation also requires 42,000 acres of land to be transferred to the Department of the Interior to be held in trust for two Indian Tribes (Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe). That action is categorically excluded from preparation of a NEPA document and will occur separately.

1. Because the Corps of Engineers has no discretion with respect to transfer of the land, no reasonable alternatives to the transfer of land to the State of South Dakota exist as a result of the legislation associated with the action (WRDA, Public Law 106-53). The alternatives that will be discussed are (1) the transfer of all required lands to the State of South Dakota, and (2) the No Action alternative. NEPA requires consideration of the "No Action" alternative, which in this case would be no transfer (continued management by the Corps of Engineers). Implementation of the "No Action" alternative is not within the authority of the Corps. To rescind Public Law 106-53, congressional action would be required. Since there is no agency decision-making associated with this action, the EIS is being prepared for the purposes of public disclosure.

2. Nothing in the Title VI (title) diminishes or affects (a) any water right of an Indian Tribe; (b) any other right of an Indian Tribe, except as specifically provided in another provision of the title; (c) treaty right that is in effect on the date of enactment of this Act; (d) any external boundary of an Indian reservation of an Indian Tribe; (e) any authority of the State of South Dakota that relates to the protection, regulation,

or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in the title; or (f) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of the Act, including the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, the Fish and Wildlife Coordination Act, the Act entitled "An Act for the protection of the bald eagle" approved June 8, 1940, the Migratory Bird Treaty Act, the Endangered Species Act of 1973, the Native American Graves Protection and Repatriation Act, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), the Safe Drinking Water Act, and the National Environmental Policy Act of 1969.

3. Public scoping meeting will be held on the following dates at the following locations: March 12, 2001 at 5PM at the Cedar Shore Resort, 1500 Shoreline Drive in Oacoma, SD; March 13, 2001 at the Wrangler Motor Inn, 800 West Grand Crossing in Mobridge, SD; March 14, 2001 at the Best Western Ramkota Hotel, 920 West Sioux Avenue in Pierre, SD; and March 15, 2001 at Dave's at the Best Western, 1607 East Hwy 50 in Yankton, SD. An Open House session will be held at 5 PM, with the formal session beginning at 7 PM.

Results from the public scoping meeting(s) with the District and Federal, State and local agency coordination will be addressed in the DEIS. Parties interested in receiving notices of public scoping meeting(s) or copies of the Scoping Document should contact Patsy Freeman at the above address.

4. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Colonel Mark E. Tillotson, District Engineer, at the above address.

5. Estimated Date of DEIS availability: July 2001.

**Candace M. Gorton,**

*Chief, Environmental and Economics Section, Planning Branch, Planning, Programs and Project Management Division.*

[FR Doc. 01-4248 Filed 2-20-01; 8:45 am]

**BILLING CODE 3710-62-P**

## DEPARTMENT OF ENERGY

[Docket No. EA-232]

### Application to Export Electric Energy; OGE Energy Resources, Inc.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** OGE Energy Resources, Inc. (OERI) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before March 23, 2001.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Xavier Puszowski (Program Office) 202-586-4708 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 6, 2001, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from OERI to transmit electric energy from the United States to Canada. OERI is an Oklahoma corporation created for the purposes of marketing electricity, natural gas and other energy commodities throughout North America. OERI will purchase the power to be exported from electric utilities and Federal power marketing agencies in the United States.

OERI proposes to arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities Co., Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by OERI, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

#### Procedural Matters

Any person desiring to become a party to this proceeding or to be heard

by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the OERI application to export electric energy to Canada should be clearly marked with Docket EA-232. Additional copies are to be filed directly with Michael J. Foster, Esq., Contract Administration, Enogex Inc., 600 Central Park Two, 515 Central Park Drive, Oklahoma City, OK 73105.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, D.C., on February 13, 2001.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 01-4236 Filed 2-20-01; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

**[Docket Nos. FE C&E 01-44, C&E 01-45, C&E 01-46 and C&E 01-47 and Certification Notice-196]**

**Office of Fossil Energy; Notice of Filings of Coal Capability of Wise County Power Company, LLC, Panda Gila River, LP, CPV Atlantic, Ltd, Partnership and Baytown Energy Center, LP Partnership Powerplant and Industrial Fuel Use Act**

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of filing.

**SUMMARY:** Wise County Power Company, LLC, Panda Gila River, LP, CPV Atlantic, Ltd, Partnership, and Baytown Energy Center, LP, Partnership

submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G-039, FE-27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586-9624.

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

**Owner:** Wise County Power Company, LLC (C&E 01-44).

**Operator:** Wise County Power Company, LLC.

**Location:** Wise County, Texas.

**Plant Configuration:** Combined-cycle.

**Capacity:** 700 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** Electric Reliability Council of Texas (ERCOT).

**In-service Date:** January 1, 2003.

**Owner:** Panda Gila River, L.P. (C&E 01-45).

**Operator:** Panda Gila River, L.P.

**Location:** Gila Bend, Arizona.

**Plant Configuration:** Combined-cycle.

**Capacity:** 2300 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** To be determined.

**In-service Date:** March 2003.

**Owner:** CPV Atlantic, Ltd (C&E 01-46).

**Operator:** CPV Atlantic, Ltd.

**Location:** St. Lucie County, Florida.

**Plant Configuration:** Combined-cycle.

**Capacity:** 250 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* Sold into Florida's wholesale power market.

*In-service Date:* 4th quarter of 2003 or the 1st quarter of 2004.

*Owner:* Baytown Energy Center, LP (C&E 01-47).

*Operator:* Calpine Central, L.P.

*Location:* Chambers County, Texas.

*Plant Configuration:* Combined-cycle.

*Capacity:* 722 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* 290 MW-340 MW to Bayer; excess sold into the ERCOT wholesale market.

*In-service Date:* January 2004.

Issued in Washington, D.C., February 13, 2001.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 01-4237 Filed 2-20-01; 8:45 am]

**BILLING CODE 6450-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### DEPARTMENT OF ENERGY

#### NUCLEAR REGULATORY COMMISSION

[Docket No. A-2000-38; FRL-6945-8]

#### Interagency Steering Committee on Radiation Standards (ISCORS) Cleanup Subcommittee: Draft Approach for Developing a Web Accessible Catalog of Dose and Risk Models and Their Capabilities, and Guidance to Users Regarding the Selection of Dose and Risk Models

**AGENCY:** U.S. Environmental Protection Agency, U.S. Department of Energy, and the U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of availability and comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA), U.S. Department of Energy (DOE), and the U.S. Nuclear Regulatory Commission (NRC) are announcing the availability for comment of the draft document, Approach for Developing a Web Accessible Catalog of Dose and Risk Models and their Capabilities. The purpose of the document is twofold and is organized in two Sections: Section 1 is to provide model users with general guidance and performance considerations regarding how to select radiation dose and risk assessment models for use in site cleanup activities

and decision making; Section 2 is to provide a catalog of available dose and risk models, to include descriptions of each model's attributes and performance capabilities in response to the model selection and performance considerations presented in Section 1. The complete document will be in the form of an "on-line catalog" accessible via the Internet, where model users can directly download guidance and information on model capabilities, and model developers can directly input performance information concerning their models. It will combine information that has been developed by ISCORS member agencies regarding model selection criteria with the capabilities of specific models. The public comment period for the document containing the model selection criteria will last 120 days from the date of this notice. Specifically, we are seeking comments on: (1) The general approach for the document and use of the Internet for model user and developer access for uploading and downloading information; and (2) the proposed guidance and set of questions to assist a user in selecting an appropriate model that is responsive to the user's needs. Comments should be sent to the EPA or NRC docket or to the agency contacts listed below. Following the close of the comment period, the agencies will review the public comments and suggested changes will be incorporated, where appropriate, in response to those comments. A final draft of the model selection criteria will then be made available to the public. Model-specific capabilities will then be added by model users and developers.

**DATES:** Comments received by June 21, 2001 will be considered. Comments received after that date will be considered if it is practical to do so, but no assurance can be given for consideration of late comments.

**ADDRESSES:** Copies of the draft document may be examined or copied for a fee at the EPA Docket Room M1500, Docket No. A-2000-38, First Floor Waterside Mall, 401 M Street, SW., Washington DC 20460; and the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, mailing address: Public Document Room, U.S. NRC, O-1F13, Washington, DC 20555-0001. The EPA docket may be inspected from 8 am to 4 p.m., Monday through Friday, excluding Federal holidays in Room M1500 at the address above. NRC documents may be inspected from 7:45 am to 4:15 pm, Monday through Friday, excluding Federal holidays at the address above. The draft document is

also available through the Internet at: <http://www.iscors.org/cleanup.htm>. Copies of all comments received by one agency will be periodically copied and sent to the others.

**FOR FURTHER INFORMATION CONTACT:** Any of the following points of contact for each agency for technical information (see **ADDRESSES** section above for directions on obtaining a copy of the Draft Approach for Developing a Web Accessible Catalog of Dose and Risk Models and their Capabilities): DOE: Stephen Domotor, telephone: (202) 586-0871, U.S. Department of Energy, Air, Water and Radiation Division, 1000 Independence Avenue, SW, Washington, DC 20585, e-mail [Stephen.Domotor@eh.doe.gov](mailto:Stephen.Domotor@eh.doe.gov); EPA: Ben Hull; Telephone: (202) 564-9382, U.S. Environmental Protection Agency, Mail Stop 6608J, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, e-mail [Hull.Benjamin@epa.gov](mailto:Hull.Benjamin@epa.gov); NRC: Ralph Cady, Telephone: (301) 415-6249, U.S. Nuclear Regulatory Commission, MS T-9F31, Washington, DC 20555, e-mail [rec2@nrc.gov](mailto:rec2@nrc.gov).

Dated in Washington, DC, this 1st day of February 2000.

For the U. S. Environmental Protection Agency,

**Frank Marcinowski,**

*Acting Director, Radiation Protection Division, Office of Radiation and Indoor Air.*

Dated in Washington, DC, this 2nd day of February 2000.

For the U. S. Department of Energy,

**Andy Wallo, III,**

*Director, Air, Water and Radiation Division, Office of Environmental Policy and Guidance, Office of Environment, Safety and Health.*

Dated in Washington, DC, this 30th day of January 2000.

For the U.S. Nuclear Regulatory Commission,

**John T. Greeves,**

*Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-4269 Filed 2-20-01; 8:45 am]

**BILLING CODE 6560-50-U**

### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Docket No. EG01-127-000]

#### PPL Martins Creek, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001)

was inadvertently issued under Docket No. EG01-41-000. Since then, it has been reassigned a new docket number as captioned above.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4193 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Regulatory Commission

[Docket No. RP99-301-013]

#### ANR Pipeline Company; Notice of Compliance Filing

February 14, 2001.

Take notice that, on January 19, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, to be effective August 28, 2000:

Second Revised Sheet No. 140

Original Sheet No. 140.1

Second Revised Sheet No. 14P

Original Sheet 14P.1

ANR states that this filing is made in compliance with the Commission's Order dated January 10, 2001 in Docket No. RP99-301-008.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 23, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4199 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER00-3211-002]

#### Citizens Communications Company; Notice of Filing

February 14, 2001.

Take notice that on February 8, 2001, Citizens Communications Company tendered a supplemental filing in compliance with the Commission's August 17, 2000 letter order in this proceeding. Citizens supplements its January 2, 2001 filing with a proposed Notice of Cancellations.

Notice is hereby given that effective the 2d day of January, 2001, the following rate schedules of Citizens Utilities Company, and any and all supplements thereto, on file with the Federal Energy Regulatory Commission are to be canceled:

FERC Electric Tariff Original Volume. No. 2, effective December 1, 1995; FERC Electric Tariff First Revised Volume. No. 3, effective December 1, 1995;

FPC Rate Schedule No. 5, effective March 7, 1964;

FPC Rate Schedule No. 4, effective October 13, 1963;

FPC Rate Schedule No. 6, effective March 7, 1964;

FPC Rate Schedule No. 7, effective March 7, 1964;

FPC Rate Schedule No. 8, effective March 7, 1964;

FPC Rate Schedule No. 10, effective March 7, 1964;

FPC Rate Schedule No. 12, effective October 13, 1963;

FPC Rate Schedule No. 19, effective October 3, 1977;

Rate Schedule FERC No. 26, effective May 15, 1994;

Rate Schedule FERC No. 30, effective June 26, 1985;

Rate Schedule FERC No. 34, effective June 26, 1985;

Rate Schedule FERC No. 36, effective April 1, 1991;

Rate Schedule FERC No. 39, effective March 1, 1995;

Rate Schedule FERC No. 40, effective December 15, 1995.

A copy of this filing and notice of the proposed cancellation have been served on the service list in this docket, on each of Citizens Communications Company's wholesale customers, and on each party to the above referenced rate schedules, as identified in the Certificate of Service attached to the filing. In addition, a copy is available for inspection at the offices of Citizens' Vermont Electric Division and Arizona Electric Division during regular business hours.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 285.211 and 385.214). All such motions and protests should be filed on or before February 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4200 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-520-000 and ER01-520-001]

#### Covert Generating Company, LLC; Notice of Issuance of Order

February 14, 2001.

Covert Generating Company, LLC (Covert) submitted for filing a rate schedule under which Covert will engage in wholesale electric power and energy transactions at market-based rates. Covert also requested waiver of various Commission regulations. In particular, Covert requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Covert.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of

liability by Covert should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Covert is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Covert's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**  
*Acting Secretary.*

[FR Doc. 01-4241 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. MG00-6-007]

#### Dominion Transmission, Inc.; Notice of Filing

February 14, 2001.

Dominion Transmission, Inc., filed revised standards of conduct on January 23, 2001 in accordance with the Commission's December 15, 2000 Order. 93 FERC ¶ 61,284 (2000).

Dominion Transmission, Inc., states that it served copies of the filing on all parties in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the

Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 1, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**  
*Acting Secretary.*

[FR Doc. 01-4201 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-545-001]

#### Duke Energy Lee, LLC; Notice of Issuance of Order

February 14, 2001.

Duke Energy Lee, LLC (Duke Lee) submitted for filing a rate schedule under which Duke Lee will engage in wholesale electric power and energy transactions at market-based rates. Duke Lee also requested waiver of various Commission regulations. In particular, Duke Lee requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Duke Lee.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Duke Lee should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Duke Lee is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Duke Lee's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**  
*Acting Secretary.*

[FR Doc. 01-4239 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-751-000]

#### Mountain View Power Partners, LLC; Notice of Issuance of Order

February 14, 2001.

Mountain View Power Partners, LLC (Mountain View) submitted for filing a rate schedule under which Mountain View will engage in wholesale electric power and energy transactions at market-based rates. Mountain View also requested waiver of various Commission regulations. In particular, Mountain View requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Mountain View.

On February 9, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of

liability by Mountain View should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Mountain View is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Mountain View's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 21, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4240 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 1982-017, 2567-009, 2670-014, 2440-040, 2491-025 and 2639-009]

### Northern States Power Company (Wisconsin); Notice of Settlement Agreement and Soliciting Comments

February 14, 2001.

Take notice that the following Settlement Agreement has been filed with the Commission and is available for public inspection:

a. *Type:* Settlement Agreement on New License Applications and Existing Licenses.

b.—

Project No.	Project name	Applicant
1982-017 .....	Holcombe .....	Northern State Power Company—Wisconsin.
2567-009 .....	Wissota .....	Northern State Power Company—Wisconsin.
2670-014 .....	Dells .....	Northern State Power Company—Wisconsin/City of Eau Claire, WI.

  

Project No.	Project name	Licensee
2440-040 .....	Chippewa Falls .....	Northern State Power Company—Wisconsin.
2491-025 .....	Jim Falls .....	Northern State Power Company—Wisconsin.
2639-009 .....	Cornell .....	Northern State Power Company—Wisconsin.

c. *Date Settlement Agreement Filed:* February 1, 2001.

d. *Location:* On the Chippewa River, in Rusk, Chippewa, Eau Claire counties, Wisconsin. The project areas do not occupy lands of the United States.

e. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

f. *Applicant's Contact:* William P. Zawacki, Northern States Power Company—Wisconsin d/b/a Xcel Energy, 1414 West Hamilton Ave. P.O. Box 8, Eau Claire, WI; (703) 836-1136.

g. *FERC Contact:* Mark Pawlowski (202) 219-2795, Email: mark.pawlowski@ferc.fed.us.

h. *Deadline Dates:* Comments due March 15, 2001; reply comments due March 30, 2001.

i. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii)

and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Filing:* Northern States Power Company—Wisconsin filed the Settlement Agreement on behalf of itself and the City of Eau Claire, Wisconsin, U.S. Fish and Wildlife Service, National Park Service, Wisconsin Department of Natural Resources, River Alliance of Wisconsin, Wisconsin Conservation Congress, Chippewa Rod and Gun Club, Lake Holcombe Improvement Association, Lake Wissota Improvement Association, and Lower Chippewa Restoration Coalition Inc. The purpose of the Settlement Agreement is to resolve among the signatories all issues associated with issuance of new licenses

for the projects regarding sediment management, water quality, in stream flows, fish habitat, and recreation. Northern States requests that the Commission accept and incorporate into any new license for the projects the protection, mitigation, and enhancement measures stated in the Settlement Agreement. Comments and reply comments on the Settlement Agreement and supporting documentation are due on the dates listed above.

k. Copies of the Settlement Agreement are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance) or at the address listed in item f above.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4204 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Docket No. EC99-101-003]****Northern States Power Company (Minnesota) on Behalf of Itself and Its Public Utility Subsidiaries and New Century Energies, Inc. on Behalf of Its Public Utility Subsidiaries; Notice of Filing**

February 13, 2001.

Take notice that on January 16, 2001, Southwestern Public Service Company, an Excel Energy Operating Company, tendered for filing with the Federal Energy Regulatory Commission (Commission), a request for approval to fulfill its Regional Transmission Organization (RTO) commitment by joining the Southwest Power Pool rather than the Midwest Independent Transmission System Operator, Inc.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 384.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,***Acting Secretary.*

[FR Doc. 01-4206 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. EG01-125-000]****PPL Brunner Island, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status**

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01-39-000. Since then, it has been reassigned a new docket number as captioned above.

**Linwood A. Watson, Jr.,***Acting Secretary.*

[FR Doc. 01-4191 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. EG01-126-000]****PPL Holtwood, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status**

February 14, 2001.

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01-40-000. Since then, it has been reassigned a new docket number as captioned above.

**Linwood A. Watson, Jr.,***Acting Secretary.*

[FR Doc. 01-4192 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. EG01-128-000]****PPL Susquehanna, LLC; Errata Notice; Notice of Application for Commission Redetermination of Exempt Wholesale Generator Status**

February 14, 2001

Take notice that the above-referenced notice (66 FR 10278, February 14, 2001) was inadvertently issued under Docket No. EG01-43-000. Since then, it has

been reassigned a new docket number as captioned above.

**Linwood A. Watson, Jr.,***Acting Secretary.*

[FR Doc. 01-4194 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. EL01-37-000]****Salt River Project Agricultural Improvement and Power District and Sacramento Municipal Utility District v. California Power Exchange Corporation; Notice of Complaint**

February 14, 2001.

Take notice that on February 12, 2001, the Salt River Project Agricultural Improvement and Power District (SRP) and the Sacramento Municipal Utility District (SMUD) (collectively, Complainants) submitted a Complaint Requesting Fast Track Processing against the California Power Exchange Corporation (PX) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e. The Complainants allege that the PX is violating the default provisions in its tariff by issuing erroneous notices of default and charging other PX participants for payments owed to the PX and the California Independent System Operator (ISO) by Southern California Edison Company and Pacific Gas & Electric Company. The Complainants request that the Commission direct the PX immediately to: (i) Cease applying the charge back provisions in its tariff; (ii) cease issuing default notices pursuant to the charge back provisions in its tariff; and (iii) rescind all default notices issued previously against the Complainants.

Copies of the filing were served upon the California Power Exchange Corporation, the California Public Utilities Commission, and all persons designated on the official service list compiled by the Secretary in Docket Nos. EL00-95-000, *et al.*

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 5, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will



not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222) for assistance. Answers to the complaint shall also be due on or before March 5, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**  
Acting Secretary.

[FR Doc. 01-4202 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-1207-000, et al.]

#### West Texas Utilities Company, et al.; Electric Rate and Corporate Regulation Filings

February 14, 2001.

Take notice that the following filings have been made with the Commission:

##### 1. West Texas Utilities Company

[Docket No. ER01-1207-000]

Take notice that on February 9, 2001, West Texas Utilities Company (WTU), tendered for filing a letter agreement, dated February 7, 2001, amending the Control Area Services Agreement Among West Texas Utilities Company and Rayburn Country Electric Cooperative, Inc. (Rayburn) and LG&E Power Marketing, Inc. (the CAS Agreement). Concurrently, WTU filed notices of cancellation for both the CAS Agreement and for the Denison Dam Pooling Agreement between Tex-La Electric Cooperative of Texas, Inc. ("Tex-La"), Rayburn and WTU.

WTU seeks an effective date of March 1, 2001 for the Amendment to the CAS Agreement, and, accordingly, requests waiver of the Commission's notice requirements. WTU seeks an effective date of June 1, 2001 for the two Notices of Cancellation. Copies of the filing have been served on Rayburn, LG&E Power Marketing, Inc., Tex-La and the Public Utility Commission of Texas.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Commonwealth Edison Company

[Docket No. ER01-1209-000]

Take notice that on February 9, 2001, Commonwealth Edison Company (ComEd), tendered for filing two Firm Point-to-Point Transmission Service Agreements with Wisconsin Public Service Corporation (WPS) under the terms of ComEd's Open Access Transmission Tariff.

ComEd has also mailed a copy of this filing to WPS.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Cordova Energy Company, LLC

[Docket No. ER01-1210-000]

Take notice that on February 9, 2001, Cordova Energy Company, LLC (Cordova), tendered for filing an amendment to an existing agreement under which Cordova will sell non-firm energy to MidAmerican Energy Company during the start-up and testing phase of the Cordova project.

Cordova requests an effective date on March 1, 2001.

Cordova states that it has served a copy of the filing on the Illinois Commerce Commission, the Iowa Utilities Board, and the South Dakota Public Utilities Commission.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 4. Tampa Electric Company

[Docket No. ER01-1211-000]

Take notice that on February 9, 2001, Tampa Electric Company (Tampa Electric), tendered for filing a service agreement with Aquila Energy Marketing Corporation (Aquila) under Tampa Electric's market-based sales tariff.

Tampa Electric proposes that the service agreement be made effective on January 12, 2001, and gives notice of its termination as of February 1, 2001.

Copies of the filing have been served on Aquila and the Florida Public Service Commission.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 5. Arizona Public Service Company

[Docket No. ER01-1212-000]

Take notice that on February 9, 2001, Arizona Public Service Company (APS), tendered for filing a revised Contract Demand Exhibit for Southern California Edison (SCE) applicable under the APS-FERC Rate Schedule No. 120.

Copies of this filing have been served on SCE, the California Public Utilities

Commission and the Arizona Corporation Commission.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 6. The Detroit Edison Company and Consumers Energy Company

[Docket No. ER01-1222-000]

Take notice that on February 12, 2001, The Detroit Edison Company (Detroit Edison) and Consumers Energy Company (Consumers), tendered for filing a Notice of Cancellation of the Electric Coordination Agreement between Consumers Energy Company (Consumers) and The Detroit Edison Company, jointly designated at Detroit Edison Rate Schedule No. 22 and Consumers Rate Schedule No. 41.

Detroit Edison and Consumers cancel the Electric Coordination Agreement in its entirety as it originally was filed and as it since has been amended, including all supplements thereto, effective March 31, 2001.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 7. Southern Company Services, Inc.

[Docket No. ER01-1206-000]

Take notice that on February 9, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies), tendered for filing Amendment No. 1 to the Agreement for Network Integration Transmission Service for Tennessee Valley Authority under Southern Companies Open Access Transmission Tariff to Add a Delivery Point. The Amendment No. 1 provides that transmission service under the referenced service agreement Service Agreement No. 160 under Southern Companies Open Access Transmission Tariff (FERC Electric Tariff Original Volume No. 5) (Tariff) <sup>1</sup> is to be provided at one (1) new delivery point and specifies the direct assignment facility charge.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

<sup>1</sup> SCS has filed to amend the Tariff in Docket No. ER01-668-000. If that amendment is accepted for filing, the Tariff's rate schedule designation will be FERC Electronic Tariff Fourth Revised Volume No. 5.



### 8. New York Independent System Operator, Inc.

[Docket No. ER01-1213-000]

Take notice that on February 9, 2001 the New York Independent System Operator, Inc. (NYISO), tendered for filing proposed revisions to Sections 5.9-5.16 of its Market Administration and Control Area Services Tariff.

The NYISO requests an effective date of 60 days after the date of this filing (April 10, 2001).

Copies of this filing were served upon all persons who have signed the NYISO Market Administration and Control Area Services Tariff.

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 9. Indiana Michigan Power Company

[Docket No. EC01-67-000]

Take notice that on February 12, 2001, Indiana Michigan Power Company (I&M), a wholly-owned subsidiary of American Electric Power, Inc., a public utility holding company filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities to Wabash Valley Power Association (WVPA). I&M has agreed to sell to WVPA for \$550,000 approximately 15 miles of 34.5 kV transmission lines used to deliver power primarily to WVPA member Midwest Energy Cooperative (formerly Fruit Belt Electric Cooperative).

Copies of I&M's filing were served upon WVPA and the public service commissions of Indiana and Michigan.

*Comment date:* March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 10. Georgia Power Company and Southern Power Company

[Docket No. EC01-68-000]

Take notice that on February 12, 2001, Georgia Power Company and Southern Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities necessary to effect the transfer and assignment of certain contracts and rate schedules owned by Georgia Power Company to its corporate affiliate Southern Power Company.

*Comment date:* March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 11. High Desert Power Trust

[Docket No. EG01-129-000]

Take notice that on February 12, 2001, High Desert Power Trust (Trust) with its principal place of business at BNY Western Trust, 700 South Flower Street, Suite 200, Los Angeles, CA 90017 filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Trust proposes to own a natural gas-fueled combined cycle generating facility with a transmission line and related transmission equipment up to the point of interconnection with the electric transmission provider in San Bernardino County, California (Facility). The approximate net power production of the Facility will be 750 MW. Trust will lease the Facility to High Desert Power Project, LLC (High Desert). The Facility is expected to commence commercial operation in 2003. All output from the Facility will be sold by High Desert exclusively at wholesale.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 12. Harquahala Generating Trust of Delaware, Ltd.

[Docket No. EG01-130-000]

Take notice that on February 13, 2001, Harquahala Generating Trust of Delaware, Ltd. (Trust), a limited liability company with its principal place of business at 1100 North Market Street, Wilmington, DE 19801, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Trust proposes to own a natural gas-fired, combined cycle power plant of approximately 1050 MW capacity in Maricopa County, Arizona. The Trust will lease the facility to Harquahala Generating Company, LLC (Harquahala). The proposed power plant is expected to commence commercial operation in 2003. All output from the plant will be sold exclusively at wholesale by Harquahala.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4238 Filed 2-20-01; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EG01-123-000, *et al.*]

### PSEG Lawrenceburg Energy Company LLC, *et al.*; Electric Rate and Corporate Regulation Filings

February 13, 2001.

Take notice that the following filings have been made with the Commission:

#### 1. PSEG Lawrenceburg Energy Company LLC

[Docket No. EG01-123-000]

Take notice that on February 9, 2001, PSEG Lawrenceburg Energy Company LLC (Applicant), with its principal office at 80 Park Plaza, Newark, New Jersey 07102, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a Delaware limited liability company. Applicant will be engaged directly, or indirectly through a Section 2(a)(11)(B) affiliate, and exclusively in owning and operating an 1150 MW natural gas-fired generating facility and certain interconnection facilities necessary to effect the sale of electric energy at wholesale located in Dearborn County, Indiana; selling electric energy at wholesale; and

engaging in project development activities with respect thereto.

*Comment date:* March 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

## 2. PSEG Waterford Energy LLC

[Docket No. EG01-124-000]

Take notice that on February 8, 2001, PSEG Waterford Energy LLC (Applicant), with its principal office at 80 Park Plaza, Newark, New Jersey 07102, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a Delaware limited liability company. Applicant will be engaged directly, or indirectly through a Section 2(a)(11)(B) affiliate, and exclusively in owning and operating an 850 MW natural gas-fired generating facility and certain interconnection facilities necessary to effect the sale of electric energy at wholesale located in Washington County, Ohio; selling electric energy at wholesale; and engaging in project development activities with respect thereto.

*Comment date:* March 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

## 3. Montaup Electric Company v. Boston Edison Company

[Docket Nos. EL99-42-000 and EL99-42-003]

Take notice that on February 6, 2001, Boston Edison Company, tendered for filing a refund report as required by the Commission's December 13, 2000 order in this proceeding, as corrected by its January 5, 2001 Erratum.

Copies of the filing were served upon the parties in this proceeding and the Massachusetts Department of Telecommunications and Energy.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 4. Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc.

[Docket No. EL00-90-000]

Take notice that on February 2, 2001 the New York Independent System Operator, Inc. (NYISO), filed a report on its implementation of virtual bidding and zonal price capped load bidding in compliance with the Commission's

October 5, 2000 order in the above-captioned proceeding. Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc., 93 FERC ¶ 61,017 (2000).

A copy of this filing was served upon all parties in Docket No. EL00-90-000.

*Comment date:* March 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

## Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4190 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-U**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2232-413 South Carolina]

### Duke Energy Corporation; Notice of Availability of Environmental Assessment

February 14, 2001.

An environmental assessment (EA) is available for public review. The EA analyzes the environmental impacts of Duke Energy Corporation's (Duke) application to grant a non-project use of project land to City of York (York) to install a pipeline and intake, for raw water withdraw in Lake Wylie, a reservoir for the Catawba-Wateree Hydroelectric Project. Duke's proposed grant would also allow York to withdraw up to 6 million gallons of water per day from Lake Wylie. The Catawba-Wateree Project is on the Catawba River in Lancaster, York, and Fairfield Counties, South Carolina, and

Gaston, Lincoln, and Burke Counties, North Carolina.

The EA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. In the EA, Commission staff conclude that approving Duke's application to grant the use would not constitute a major federal action significantly affecting the quality of the human environment. Copies of the EA can be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm). Call (202) 208-2222 for assistance. Copies are also available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4203 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Amendment of Licenses and Soliciting Comments, Motions To Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 2440-040.

c. *Date Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Chippewa Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Ave., P.O. Box 8, Eau Claire, WI, 54702-0008, (715) 836-1136.

h. *FERC Contact:* Any questions on this notice should be addressed to Mark Pawlowski at (202) 219-2795.

i. *Deadline for filing comments and or motions:* March 15, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicant requests an amendment to increase the minimum flow from 785 cubic feet per second (cfs) from June 1 through April 14 to 1,000 cfs at all times for the benefit of aquatic and recreation resources in the Chippewa Falls Project tailwaters.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm) (Call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative

of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4195 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Amendment of Licenses and Soliciting Comments, Motions To Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No:* 2491-025.

c. *Dated Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Him Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Av., P.O. Box 8, Eau Claire, WI, 54702-0008, (715) 836-1136.

h. *FERC Contact:* Any questions on this notice should be addressed to Mark Pawlowski at (202) 219-2795.

i. *Deadline for filing comments and or motions:* March 15, 2001.

All documents (original and eight copies) should be filed with: David Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The Applicant requests an amendment to increase the bypassed reach minimum flow from 240 cubic feet per second (cfs) from spring ice-out through October 31, and 20 cfs from November 1 through spring ice-out, to 850 cfs April 1 through May 31, and 240 cfs June 1 through March 31. In addition, the Applicant is proposing to release 650 cfs into the bypassed reach periodically during the summer to provide for recreational boating.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm) (Call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of any agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**  
Acting Secretary.

[FR Doc. 01–4196 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Amendment of Licenses and Soliciting Comments, Motions to Intervene, and Protests

February 14, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Amendment of License
- b. *Project No.*: 2639–009
- c. *Date Filed*: February 1, 2001
- d. *Applicant*: Northern States Power Company—Wisconsin d/b/a Xcel Energy
- e. *Name and Location of Project*: The Cornell Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.
- f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)—825(r) and section 4.202(a) of the Commission's regulations.
- g. *Applicant Contact*: William P. Zawacki, Xcel Energy, 1414 Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008, (715) 836–1136.
- h. *FERC Contact*: Any questions on this notice should be addressed to Mark Pawlowski at (202) 219–2795.
- i. *Deadline for filing comments and or motions*: March 15, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal*: The Applicant requests an amendment to increase the minimum flow from 236 cubic feet per second (cfs) to 400 cfs. The Applicant proposes to maintain the Cornell impoundment within 0.5 feet of full pool from April 1 through June 7 and between 1001.0 and 1002.0 feet mean sea level (msl), June 8 through Labor Day, 12 pm to 8 pm. At all other time the impoundment would be maintained between 1000.0 and 1002.0 (msl).

k. *Locations of the application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm) (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**  
Acting Secretary.

[FR Doc. 01–4197 Filed 2–20–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

February 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application*: Subsequent License.
- b. *Project No.*: 2724–023.
- c. *Date filed*: September 30, 1999.
- d. *Applicant*: City of Hamilton, Ohio.
- e. *Name of Project*: City of Hamilton Hydroelectric Project.
- f. *Location*: Ford Canal and Great Miami River, Butler County, Ohio. The project occupies no federal lands.
- g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)—825(r).
- h. *Applicant Contact*: Mr. Michael Perry, Electric Department, 10 Journal Square, Suite 300, Hamilton, Ohio, 45011, or telephone (513) 868–5907.
- i. *FERC Contact*: Any questions on this notice should be addressed to Nick Jayjack, telephone (202) 219–2825, or E-mail address [nicholas.jayjack@ferc.fed.us](mailto:nicholas.jayjack@ferc.fed.us).
- j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions*: 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, and is now ready for environmental analysis.

l. The project consists of: (1) An 8-foot-high (average), 1,660-foot-long concrete overflow diversion dam; (2) an 8-foot-high (average), 196-foot-long concrete overflow diversion dam; (3) a 3-mile-long power canal; (4) a concrete headgate structure at the canal entrance; (5) a 93-foot-wide by 63-foot-long by 50-foot-high powerhouse with an installed capacity of 1,500 kilowatts (kW) to be upgraded to 1,940 kW (the turbine-generator units are currently capable of producing 1,940 kW; however, system governors limit output to 1,500 kW); (6) a 21-foot-long spillway adjacent to the powerhouse; (7) a 50-foot-wide, 1,600-foot-long concrete and earthen tailrace; (8) a 0.25-mile-long, 13.2-kilovolt transmission line; (9) generator leads; and (10) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2-A, Washington, D.C. 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS

AND CONDITIONS," or "PRESCRIPTIONS," (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4198 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Intent to File Application for a New License

February 14, 2001.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project No:* 2213.

c. *Date filed:* November 28, 2000.

d. *Submitted By:* Public Utility District No. 1 of Cowlitz County, Washington.

e. *Name of Project:* Swift Project No. 2.

f. *Location:* In Cowlitz and Skamania Counties on the North Fork Lewis River in Southeast Washington State. The project lies between the FERC licensed Swift No. 1 and Yale Projects.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to section 16.19 of the Commission's regulations, the licensee is required to make available the information described in section 16.7 of the regulations. Such information is available from the licensee at Public Utility District No. 1 of Cowlitz County, 961 12th Ave, P.O. Box 3007, Longview, Washington 98632. Contact Diana MacDonald at 360-577-7585 or [www.cowlitzpubd.org](http://www.cowlitzpubd.org).

i. *FERC Contact:* Vince Yearick 202 219-3073 [vince.yearick@ferc.fed.us](mailto:vince.yearick@ferc.fed.us).

j. *Expiration Date of Current License:* April 30, 2006.

k. *Project Description:* The project consist of a 3.2 mile power canal, an ungated spillway and discharge channel, two penstocks, a powerhouse containing two Francis type turbines each rated at 35,000 kw, a 0.9 mile 230kv transmission line, and appurtenant facilities.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2213. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2004.

A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The notice may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4205 Filed 2-20-01; 8:45 am]

**BILLING CODE 6717-01-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6946-9]

### Agency Information Collection: Activities Up for Renewal; Regulations for A Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection request (ICR) to the Office of Management and Budget (OMB): Regulations for a Voluntary: Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997 (OMB #2060-0345, approved

through 04/30/01). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the collections as described below.

**DATES:** Comments must be submitted on or before April 23, 2001.

**ADDRESSES:** U.S. Environmental Protection Agency, Office of Transportation and Air Quality, Certification and Compliance Division, Outreach and Planning Group, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Mail Code 6405J, Washington, D.C. 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

**FOR FURTHER INFORMATION CONTACT:** Chestine Payton, tel.: (202) 564-9328, fax (202) 565-2057. E-mail address: [payton.chestine@epa.gov](mailto:payton.chestine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Affected Entities:* Parties potentially affected by this action are manufacturers of light duty vehicles and light duty trucks.

*Title:* Regulations for A Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997, OMB 2060-0345, Expiration date 01/31/01.

*Abstract:* The information collection will be conducted to support averaging, banking, and trading provisions included in the National Low Emission Vehicle (NLEV) program. These averaging, banking, and trading provisions will give the automobile manufacturers a measure of flexibility in meeting the fleet average non-methane organic gas (NMOG) standards and the five-percent cap on Tier 1 vehicles and transitional low emission vehicles (TLEVs) in the ozone transport region (OTR). EPA will use the reported data to calculate credits and debits and otherwise ensure compliance with the applicable production levels and emissions standards. When a manufacturer has opted into the Voluntary National LEV program, reporting will be mandatory.

Manufacturers would submit information regarding the annual sales, calculation, generation, and usage of emission credits in an annual report. In addition, upon transferring credits to another manufacturer, the manufacturer would submit this information along with their annual report. This information will be submitted to EPA in annual reports and will involve approximately 25 respondents at a total annual cost of about \$318,995.

EPA currently has in place an ICR and clearance for annual sales/production

reporting for light-duty vehicles and trucks. This ICR reflects additional requirements (beyond the annual sales/production reporting requirement) to collate the annual sales/production data, and implement the credit calculation program. In the future, this ICR will be integrated with ICR 783.39, (Reporting and Recordingkeeping Requirements for Motor Vehicle Certification under the Proposed Tier 2 Rule), as part of the consolidation under the certification and fuel program reporting requirements.

The information collection activity complies with the guidelines in 5 CFR 1320.6 except for the following:

First, to provide EPA with a mechanism for auditing the accuracy of these required reports, EPA will require pertinent production information to be maintained and kept for eight model years. The eight-year requirement arises from the phase-in periods and the fact that credits have a four-model year lifetime. EPA enforcement action regarding the credit program could require documentation justifying credit or debit generation from the beginning of the phase-in and/or four-year credit lifetime period. Pertinent production information includes, but is not limited to, the number of vehicles or trucks sold in each averaging set, the EPA engine family, assembly plant, VIN number, and the NMOG standard to which the vehicle or truck is certified. Pertinent information, whether kept by the manufacturer or by a contractor, is subject to auditing by EPA.

Consequently, EPA officials will require voluntary entry and access to facilities.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Burden Statement:* The estimated annual burden attributed to the collection in this ICR is 241.3 hours for each of the 25 potential respondents. Burden means the total time, effort, or financial resources expended by persons

to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Parties potentially affected by this action are manufacturers of light-duty vehicles and light-duty trucks.

*Estimated Number of Respondents:* 25.

*Frequency of Response:* Annually.

*Estimated Total Annual Hour Burden Per Respondent:* 241.3.

*Estimated Total Annualized Cost Burden Per Respondent:* \$12,759.80.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1761.02 and OMB Control No. 2060-0345 in any correspondence.

Dated: February 14, 2001.

**Robert D. Brenner,**

*Acting Assistant Administrator.*

[FR Doc. 01-4270 Filed 2-20-01; 8:45 am]

**BILLING CODE 6560-50-U**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6945-5]

### Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Today's Notice announces the availability of funds and solicits proposals from state, local, multi-state, and tribal agencies involved with climate change and transportation/air quality issues, for pilot projects that have a high potential to spur innovations in the reduction of transportation-related emissions and

vehicle miles traveled (VMT), at the local level and throughout the United States. EPA is particularly interested in projects that incorporate at least one of the following: smart growth efforts that reduce transportation-related emissions, commuter choice, and cleaner vehicles/green fleets (as described elsewhere in this solicitation). To this purpose, EPA will make available financial assistance ranging from \$50,000 up to \$300,000 to each recipient, in the form of cooperative agreements. EPA hopes to make at least one award to a qualifying tribal agency, and at least one more award to a qualifying multi-state agency, depending upon the merits of the proposals received.

EPA's Office of Transportation and Air Quality (OTAQ) is committed to reducing emissions from the transportation sector through voluntary efforts to slow the growth of VMT—including encouragement of smart growth in land use policies (that is, in short, development patterns designed to minimize VMT)—and promoting the use of cleaner vehicles and clean, renewable fuels. Many states and localities that are dealing with the problems associated with increased transportation-related emissions and VMT (such as congestion and emissions of greenhouse gases (GHG), criteria pollutants, and airborne toxics) are seeking nonregulatory federal assistance. Voluntary efforts that improve the efficiency of the transportation system within the United States, promote development patterns that reduce the growth in VMT, and expand the availability of environmentally-sensitive transportation alternatives play a critical role in helping communities protect the natural environment, human health, economic vitality, and quality of life.

EPA wishes to provide assistance to tribal, state, local, and multi-state agencies that develop innovative proposals for demonstration projects that will yield measurable reductions in VMT, GHG, and/or criteria air pollutants in a coordinated fashion at the community level. To qualify for funding, the applicant must be a tribal, state, local, and multi-state agency that proposes a demonstration project involving new or experimental methods, technologies, or approaches. So that this competition eventually generates even greater benefits among numerous other stakeholders, EPA also requires that such projects be readily replicable in other states and in local and tribal communities. The cooperative agreements will be allocated by OTAQ through the competitive process described in this notice.

**DATES:** The deadline for submitting Final Proposals is Tuesday, April 24, 2001 (that is, they must be postmarked by that date). To allow for efficient management of the competitive process, OTAQ is requesting organizations to submit an informal Intent to Apply by Wednesday, March 14, 2001. (Instructions for submitting Intents to Apply and final proposals are found in Section IX. below.) Submission of an Intent to Apply is optional; it is a process management tool that will allow OTAQ to better anticipate the total staff time required for efficient review, evaluation, and selection of submitted proposals.

To ensure that every agency interested in participation has an opportunity to gain any needed additional information useful to the application process, OTAQ has scheduled two sets of conference calls. The first pair of calls is primarily intended to help agencies decide whether this competition is appropriate for them prior to the deadline for submitting an Intent to Apply. The second pair of calls is intended to assist agencies with questions about the proper completion and submission of their proposals. The content of the calls is entirely dependent upon the questions asked. The dates and times of these calls, with the call-in phone numbers and access codes, are:

Tues., March 6, from 3—5 p.m., EST (202-260-2025; access code 6898#)

Weds., March 7, from 2:30—4:30 p.m., EST (202-260-2025; access code 6898#)

Tues., March 27, from 3—5 p.m., EST (202-260-2025; access code 6898#)

Thurs., March 29, from 2—4 p.m., EST (202-260-8330; access code 7731#)

Questions and answers from the conference calls will be summarized and posted as soon as possible on the OTAQ website; the precise web location of the summaries will be announced at “[www.epa.gov/otaq/whatsnew.htm](http://www.epa.gov/otaq/whatsnew.htm)”.

In order to ensure that all applicants have access to the same information, the only forums for posing substantive questions on the competition are these conference calls. Except for responses to procedural questions (e.g. due dates, proposal formats), EPA will not provide other assistance prior to final submission of applications.

**ADDRESSES:** This Notice can also be accessed on the Office of Transportation and Air Quality Web Page at: “[www.epa.gov/otaq/](http://www.epa.gov/otaq/)”. Click on “What’s New” or go directly to “[www.epa.gov/otaq/whatsnew.htm](http://www.epa.gov/otaq/whatsnew.htm)”. Addresses for submitting informal Intents to Apply and for submitting final proposals can be found in Section IX., below.

**FOR FURTHER INFORMATION CONTACT:** Mary Walsh, USEPA Office of

Transportation and Air Quality, Transportation and Regional Programs Division, 2000 Traverwood Dr., Ann Arbor, MI 48105. Telephone (734) 214-4205; Fax (734) 214-4052; or email [walsh.mary@epa.gov](mailto:walsh.mary@epa.gov)—or—Joann Jackson Stephens, USEPA Office of Transportation and Air Quality, Transportation and Regional Programs Division, 2000 Traverwood Dr., Ann Arbor, MI 48105. Telephone (734) 214-4276; Fax (734) 214-4052; or email [jackson-stephens.joann@epa.gov](mailto:jackson-stephens.joann@epa.gov).

**SUPPLEMENTARY INFORMATION: Eligible Entities:** State, local, multi-state, and tribal agencies actively involved with transportation, air quality, and/or climate change issues. Such entities must be interested in undertaking a project with the purpose of reducing transportation sector emissions through voluntary efforts to decrease VMT and/or transportation-related emissions. Eligible entities must already be engaged in some form of partnership with other entities in the community (e.g., non-governmental organizations, departments of transportation, departments of energy, other state organizations, metropolitan planning organizations, councils of government, planning departments, private companies and business associations, public transit agencies, universities, public health organizations, state-wide or community-based non-profit organizations, and so forth) related to transportation and air quality/climate change issues or some aspect of transportation and/or air quality planning. EPA would like to emphasize that it is very interested in receiving applications from tribal governments, which have historically not have had high representation among the recipients of OTAQ grants. In addition, EPA particularly desires that multi-state organizations apply, in the expectation that their proposals would have a high potential for replication among the members of such organizations.

**Title:** “Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice”

**Background:** EPA's Office of Transportation and Air Quality (OTAQ) recognizes that achieving future reductions in transportation-related emissions will require more attention to limiting VMT, through such means as enhancing transportation system efficiency and the availability of transportation alternatives, promoting smart growth initiatives and brownfield/infill redevelopment, and addressing travel behavior. It is worth mentioning that efforts to reduce VMT also yield an



array of other potential benefits, including congestion mitigation, more liveable communities, reduced demand for additional construction of roadways (with the associated social, economic, and environmental consequences), reduced water pollution, waste reduction, and improved quality of life as a result of spending less time (and money) on travel.

Historically, OTAQ (formerly the Office of Mobile Sources) has encouraged the adoption of technological means of reducing criteria pollutants and toxic emissions from vehicles, with great success. Per-mile emissions of gaseous criteria pollutants from new vehicles are already reduced over 90% compared to their predecessors before the era of emission controls. However, as of 1999, 62 million people in the United States still lived in areas that do not meet the health-based National Ambient Air Quality Standards for at least one of six major air pollutants. And Americans are, on average, driving more miles every year.

Moreover, with the growing interest in achieving reductions in GHG emissions, the issue of reducing all types of pollutant emissions is even more problematic. The technological measures that have led to reductions in a vehicle's tailpipe emissions in the past have done little to reduce GHG emissions. The trend toward decreasing average fuel economy in recent years translates directly into increasing GHG emissions on a per-mile basis. Combined with the steady growth in VMT, this means that, while most criteria pollutant emissions have trended downwards in recent years, GHG emissions have been rising steadily.

EPA, its state counterparts, and local governments are increasingly examining travel choice and smart growth strategies as they affect VMT and transportation-related emissions. In this context, OTAQ is committed to encouraging voluntary efforts as an important part of its approach. Voluntary efforts to improve the efficiency of the U.S. transportation system and expand the availability of environmentally-sensitive transportation alternatives are essential elements in helping communities balance their charges to protect the natural environment, human health, economic vitality, and quality of life. This solicitation advances OTAQ's support of such voluntary efforts.

EPA also recognizes that, despite huge gains in vehicle-related emission reductions over the past two decades, there is still the potential to especially

reduce GHG emissions with technology that would improve the fuel economy of vehicles, and perhaps further reduce GHG emissions through the use of alternative fuels.

However, consumers have in the past typically ranked fuel economy relatively low, when compared to other attributes they look for when acquiring a vehicle. Consequently, automobile manufacturers have applied recent technological advances to increased vehicle size, power, and luxury, rather than to improved fuel economy. In order to encourage the market penetration of cleaner, more fuel-efficient vehicles and cleaner renewable fuels, EPA desires to help stakeholders promote and expand the use of advanced vehicle and fuel technologies, as they become available. A comprehensive program which combines improved vehicle choices, reduced emissions, and reduced VMT can provide the information and resources that the public needs to make more informed transportation choices.

EPA recognizes that innovations in reducing VMT and encouraging the use of cleaner vehicles and cleaner, renewable fuels have been implemented across the United States in recent years. It is increasingly clear that the most successful of these have not been one-time, stand-alone efforts, but rather have been conceived to fit into a larger, coordinated strategy for transportation-related emissions reduction over a multi-year scheme. Such programs have typically been those most successful in productively capitalizing on partnerships among different types of organizations sharing a common interest in VMT and/or emission reduction, and in leveraging resources through these partnerships and other funding sources. Therefore, EPA desires to help meet its stakeholders' need for seed money and technical assistance to help them implement more multifaceted approaches to VMT reduction and the promotion of cleaner vehicles and fuels that have a higher potential for long-term success.

Therefore, OTAQ seeks to support up to ten pilot projects through seed funding, ranging from \$50,000 to \$300,000 per award (depending upon the project), and other assistance. OTAQ intends that the assistance award will help communities identify and launch suites of innovative and practical transportation solutions that both reduce impacts on the environment and enhance mobility and access. Through this Notice, OTAQ seeks proposals for pilot projects in support of voluntary, consensus-supported activities to improve community designs, spur transportation innovations, develop and

implement incentives, make more efficient use of transportation systems, promote use of cleaner fuels and vehicles, create effective partnerships, support the measurement of results, and recognize exemplary projects. OTAQ encourages applicants to explore comprehensive approaches that combine VMT reduction, smart growth, cleaner vehicles, and clean renewable fuels, thereby providing enhanced opportunities for emissions reductions. In order to encourage the most successful approaches to accomplish these objectives, OTAQ is seeking proposals that represent strong transportation/air quality partnerships among a broad range of perspectives.

Because this sort of funding is made available from EPA under the authority of section 103(b)(3) of the Clean Air Act, the Agency must assure that a project selected for funding meet two "threshold determinations" for funding; in this context:

- It must address the causes, effects, extent, prevention, reduction, and elimination of air pollution—in short, it will act to control pollution.
- It must consist of such activities as research, investigations, experiments, demonstrations, and similar activities that are within the scope of Section 103(b)(3) of the Clean Air Act. Therefore, the proposals should focus on the learning opportunities they present for future pollution control efforts, rather than on simply addressing pollution problems through well-established methods.

Examples of activities that OTAQ is interested in funding are outlined in Section IV., "Program Emphasis."

#### Contents by Section

- I. Overview and Deadlines
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Clean Air Transportation Communities: Innovative Projects to Improve Air Quality and Reduce Greenhouse Gases: Solicitation Notice

#### Section I. Overview and Deadlines

##### A. Overview

In today's notice, OTAQ is soliciting proposals to encourage innovations in improving air quality (with regard to both criteria pollutants and GHG) in the U.S., by reducing VMT, promoting smart growth, and encouraging the use of cleaner vehicles and cleaner, renewable fuels. There are serious



environmental implications in relying solely upon the “conventional” approach to transportation—typically, a single driver, in a vehicle that often is not highly fuel-efficient. Clearly, the very limited penetration of traditional alternatives to driving alone (transit, carpooling, and non-motorized modes) into American’s travel choices suggests that more integrated and flexible alternatives need to be developed. Ultra-clean, highly fuel-efficient vehicles are beginning to become more available; their use needs to be encouraged. The impact of community design and location on livability and environmental concerns is receiving enhanced visibility with the rise of smart growth initiatives. OTAQ is especially interested in proposals that implement pilot projects allowing the replication of promising practices, methodologies, technologies, incentives, and applications pertinent to these areas. It is looking for the creative, groundbreaking approaches that stakeholders are generating, and wants to see how they actually perform for the lessons that can be gained for future efforts.

Moreover, OTAQ has especially committed in this competition to support community-level efforts that employ a suite of tools for achieving reductions in transportation-related emissions and VMT, to stimulate and reward planning that incorporates individual projects into a coordinated, broader-focus strategy. An example might be a program that integrates a Commuter Choice strategy with the construction of bicycle commuter centers (secure parking, rental, and repair) at transit hubs; or a “Green Fleets”-type program that makes low-emission vehicles and/or vehicles with high fuel economy ratings available for car-sharing, perhaps focusing upon institutions that have a “campus” layout; or a brownfields/infill project that incorporates transit-oriented development programs and practices. Proposals that make an effort to logically integrate various VMT- and emission-reduction program components (both proposed and existing), rather than presenting a piecemeal approach, will receive higher priority.

An important aspect of the evaluation of proposals will be an assessment of their potential effectiveness in bringing these innovations into significant, replicable pilot projects relative to the dollar amount of the grant. Also important in the evaluation will be the degree of innovation, estimated amount of environmental benefit, and apparent resources, capability, and commitment

to succeed. Effective leveraging of other sources of available funding will count favorably in the evaluation process. Examples of relevant sources of potential leveraging funds include the Congestion Mitigation and Air Quality (CMAQ) program, the Transportation and Community and Systems Preservation (TCSP) program, the Federal Transit Administration’s “New Starts” program (which supports mass transit projects), the U.S. Department of Energy’s “Clean Cities” program (which promotes alternative fuel vehicles; see their website at [www.ccities.doe.gov](http://www.ccities.doe.gov)), the International Council for Local Environmental Initiatives’ “Green Fleets” program (see their website at [www.greenfleets.org](http://www.greenfleets.org)), or other state and local funding sources (e.g., HOV lane programs). Special attention should be provided to the details of pilot implementation and the mechanisms proposed to enable broad-scale replication. OTAQ also places a high priority on proposals that indicate clearly how they will estimate and count the tons of emissions reduced as a result of their project.

Interested persons can obtain copies of this solicitation at no charge by accessing “What’s New?” on the OTAQ Website at “[www.epa.gov/otaq](http://www.epa.gov/otaq)” or “[www.epa.gov/otaq/whatsnew.htm](http://www.epa.gov/otaq/whatsnew.htm)”.

#### *B. What Are the Deadlines for This Competition?*

In order to efficiently manage the selection process, the Office of Transportation and Air Quality requests that an informal “Intent to Apply” within 30 days of the publication of this notice. (Please provide project title or subject and email address). An “Intent to Apply” simply states in the form of e-mail, phone, or fax that your organization intends to submit a proposal to be received by the deadline. Submitting an “Intent to Apply” does not commit an organization to submit a final proposal. The “Intent to Apply” is an optional submission; those not submitting an “Intent to Apply” may still apply by the deadline.

*The deadline for submitting completed final proposals (original and six copies, plus one fully-completed Application for Federal Assistance, forms SF 424 and 424A) is Tuesday, April 24.* The Office of Transportation and Air Quality expects to complete the Evaluation/Selection process in May, 2001.

## **Section II. Eligible Organizations**

#### *C. Who Is Eligible To Submit Proposals?*

While cooperative agreements with federal agencies are available to a range

of governmental and non-profit organizations, for the purposes of this solicitation, proposals may only be accepted from state, local, multi-state, or tribal agencies. EPA strongly encourages applicants to incorporate partnerships with a broad range of agencies and organizations. It will give priority to proposals from agencies actively partnering with organizations showing a diversity of perspectives (e.g., environmental justice, community development, land use/smart growth, etc.).

EPA encourages private sector, not-for profit, and public health organizations that provide leadership in meeting national environmental objectives by effecting substantial reductions in vehicle emissions and VMT to enter into a partnership with an eligible entity. To illustrate, some examples of private sector organizations that might seek partnerships with qualifying agencies to make a proposal include (but are not limited to) local homebuilders’ associations pursuing smart growth strategies, car insurance companies offering pay-as-you-drive insurance, car rental companies offering low-emission and/or car sharing products, automobile manufacturing companies and dealers offering per-mile car leases or special incentives for cleaner cars and those using clean renewable fuels, and companies with innovative ideas for reducing commuting via the single-occupant vehicle and encouraging infill and mixed-use development. Likewise, eligible agencies are encouraged to seek out partnerships with these sorts of organizations. Note that applicants must ensure that any financial transactions with project partners comply with applicable EPA assistance regulations relating to procurement contracts, subgrants, and allowable costs contained in 40 CFR Part 31 (in the case of state or local agencies and tribes) and 40 CFR Part 30 (in the case of nonprofit multi state organizations).

#### **D. Why Are Tribal and Multi-State Organizations Particularly Encouraged?**

OTAQ wishes to particularly encourage the participation of tribal agencies because it desires to improve its communication and coordination with tribal agencies. It would like to increase awareness of opportunities for tribal agencies to access EPA assistance in achieving their air quality goals. Likewise, through substantial involvement in the assisted activity, OTAQ will have an opportunity to gain better understanding of tribal air management issues and strategies, and their context.

Regarding multi-state organizations, OTAQ believes that such entities, which may represent state, local, regional, or tribal organizations themselves, have unique opportunities for the placement, replication, and dissemination of promising approaches to pollution control. OTAQ wishes to encourage such organizations to step up to the challenge of developing and promoting innovative pilot projects for the control of air pollution through cleaner vehicles and fuels and the reduction of VMT.

### Section III. Funding Issues

#### E. What Is the Amount of Available Funding?

Approximately \$750,000 is anticipated to be available in fiscal 2001 for this competition.

#### F. How Many Agreements Will EPA Award in This Competition?

Subject to the availability of funds, EPA plans to fund as many high-quality projects as possible. The Agency may exercise its discretion to fund a mix of large and small projects.

#### G. Are Matching Funds Required?

No. However, the Agency will consider voluntary financial or in kind commitments of resources as an evaluation factor which maximizes the effective use of EPA seed money.

#### H. Can Funding Be Used To Acquire Services or Fund Partnerships?

Yes, provided the recipient follows applicable procurement and subgrant procedures. Please note that EPA will not be a party to these transactions and approval of a funding proposal does not relieve recipients of their obligations to compete for service contracts, conduct cost and price analyses, and use subgrants only for financial assistance purposes in accordance with Section .210 of OMB Circular A-133.

### Section IV. Program Emphasis

This program is designed to provide seed money for transportation and air quality projects specifically to spur innovations in transportation to reduce VMT and vehicular emissions, and thereby positively impact air quality and/or climate change. EPA is particularly interested in proposals designed to implement pilot projects which yield measurable reductions in VMT, CO<sub>2</sub>, and/or criteria air pollutants and other GHG, and that promote the replication of promising practices, methodologies, technologies, incentives, and applications. EPA considers that the element of innovation lies not solely in the program components proposed, but

in how they fit into a comprehensive strategy.

Innovative approaches of particular interest to OTAQ encourage community design that promotes alternatives to the single-occupant vehicle mode of travel, reduce the need to travel, increase use of higher occupancy modes of travel, and promote low- or non-polluting means of travel. As mentioned above, proposals should show how the project will be part of a coordinated plan for VMT and/or transportation-related emissions reduction. Elements that EPA is especially interested in seeing in proposals include the following (although strong proposals that contain elements other than these will certainly be considered):

- Smart Growth/Development Patterns That Minimize VMT—support state, local, multi-state, and tribal efforts to define best practices, implement effective incentives, and design livable communities that would provide better access to jobs, entertainment, and services while reducing miles driven. (To learn more about EPA's land use guidance and policy, access the web page at [www.epa.gov/otaq/traq/traqsusd.htm](http://www.epa.gov/otaq/traq/traqsusd.htm)).

- "Green Fleets"—type program—support adoption of energy conservation and VMT reduction strategies for light-duty fleets and freight distribution systems; e.g., fleets comprised of cleaner (low-emission) vehicles and/or vehicles with higher fuel economy or that utilize cleaner, renewable fuels. (To learn more about the Green Fleets program developed by the International Council for Local Environmental Initiatives, see their website at [www.greenfleets.org](http://www.greenfleets.org); "Green Your Fleet" is a downloadable document that gives a basic overview of their program.)

- Commuter Choice—support implementation of employer provided benefits for increased parking cashout, telework, compressed work schedule, carpooling, transit, bus and vanpool ridership, bicycling and pedestrian commuting. (To be considered a Commuter Choice program for the purposes of this solicitation, a project must meet EPA's six conditions for "leaders" described in the Commuter Choice program announcement on its website at: [www.epa.gov/otaq/traq/comchoic/ccweb.htm](http://www.epa.gov/otaq/traq/comchoic/ccweb.htm); select the document "Commuter Choice Leadership Initiative." EPA's commitments to its partners are also described therein.)

- Clean Vehicles—incentives for the purchase by individuals of vehicles designed to emit lower lifetime emissions of GHG and criteria pollutants. (Applicants may wish to

review EPA within-class vehicle rankings developed to assist consumers with choosing the cleanest and most fuel efficient vehicle that meets individual needs at: [www.epa.gov/autoemissions](http://www.epa.gov/autoemissions).)

In addition to the examples of possible program elements mentioned above, an applicant might want to consider such elements as:

- Improvements to "connecting" activities at campus institutions (e.g., hospitals and universities)—initiatives focused upon reducing VMT and/or emissions at organizations having various buildings or facilities located over a limited geographic distance that require transportation, teleconferencing, video conferencing, telecommuting or other "connecting" activities as a major component of conducting business (may address movement within the campus area, movement on/off the campus area, or both). This is a high-priority area for innovation.

- Youth demonstration projects to mobilize the implementation of youth-oriented tools. Examples of previously funded projects that engage youth, especially pre-drivers, in transportation/air quality/climate issues include Let Kids Lead Starter Guide (see the website [www.letkidslead.org](http://www.letkidslead.org)), Going Places, Making Choices Curriculum (see the website [www.fourhcouncil.edu/ycc/gpmc](http://www.fourhcouncil.edu/ycc/gpmc)), the Cleaner Cars Module for driver's education, and projects funded through the Mobile Sources Outreach Assistance Competition.

- Real time casual carpool ride matching.

- Pay-as-you-drive car leases.
- Pay-as-you-drive automobile insurance.

- Automobile insurance incentives for driving cleaner vehicles and/or vehicles having higher fuel economy or that utilize cleaner, renewable fuels.

- HOV-lane access for ultra-clean vehicles and/or those having high fuel economy or that utilize cleaner, renewable fuels.

### Section V. Selection Criteria

Each eligible proposal (section VIII.R., below, summarizes basic requirements for eligibility) will be evaluated according the criteria set forth below. Proposals which are best able to directly and explicitly address the primary criteria will have a greater likelihood of being selected for award in this assistance competition. Each proposal will be rated according to how well it addresses the criteria. Please note that projects that do not meet the threshold legal criteria for funding under Section 103(b)(3) of the Clean Air Act cannot be considered at all.

### I. Primary Criteria

- **Problem:** States clearly the air quality, climate change, and/or transportation problem the proposal is trying to address in terms of the purpose/focus of this solicitation. Be sure to identify what specific types of emissions reductions are needed, and/or the need to reduce VMT.

- **Approach:** Demonstrates an innovative strategy to address environmental goals of improved air quality and/or reduced GHG production from the transportation sector through VMT reduction and use of cleaner vehicles and fuels, coordinated as part of a broad context of efforts to achieve these goals; providing a sound basis for encouraging positive transportation behavior change.

- **Measurement/Effectiveness:** Includes measure of program results; i.e., shows how the project will be evaluated by the applicant in terms of quantifiable reductions in CO<sub>2</sub> emissions, and (if targeted in the problem statement) other pollutant emissions and/or VMT, whether by measurement or modeling, and indicates a significant reduction in tons of CO<sub>2</sub> (and, if targeted, tons of other emissions and/or reductions in VMT). Note: Regardless of what other benefits are identified, all qualifying proposals must indicate that CO<sub>2</sub> emissions will be reduced through implementation of the proposal, and must estimate tons reduced.

- **Cost Effectiveness:** Demonstrates that proposed transportation/air quality/climate change innovation is cost effective (i.e., indicates a relatively high amount of emissions reduction as compared to amount of the grant), including a prediction of emissions reduction from the pilot in a reasonable scenario.

- **Partnering:** Demonstrates how it will make use of an existing coalition or collaborative established to address transportation and air quality/climate change issues (indicate partners in this coalition), and describes how the partner(s) can provide a diversity of perspectives—each applicant must delineate how it and its partner(s) will allocate responsibility for the various aspects of the program to be funded. Applicants should make it clear that they—and their partners—have the skills, resources, previous performance, capability, and commitment to make the proposed project fully successful. Applicants must also demonstrate that any transfers of funding to project partners comply with EPA financial assistance regulations.

- **Replicability:** Demonstrates national or regional applicability (i.e., is designed to have a high potential for being adapted for use elsewhere, and to serve as a resource that will assist others planning similar endeavors; including lessons learned, productive types of contacts/collaborations to make, “roadmap” of the process, etc.).

### J. Other Factors to be Considered

- **Integration/leveraging of funding:** Maximizes the effective use of EPA’s limited funding through integration with existing programs; this may include coordination with other OTAQ-funded efforts and activities, linkages with other funding programs, such as those mentioned in Section I.A.

(“Overview”), or financial or in-kind contributions from non-federal sources.

- **Budget:** Exhibits clearly-stated and appropriate levels of funding; indicating where funds are allocated to provide for interested parties to get information on the project, including costs for materials reproduction.

- **Action-orientation.** Must be capable of generating reductions in CO, and, if targeted, other pollutants and/or VMT, as a direct result of the pilot program.

- **Reasonable time frames.** Timetables must reflect a realistic appreciation of the time required to properly conduct the indicated activity.

- **Past Performance.** The applicant’s experience with effectively administering Federal financial assistance and successfully carrying out projects supported by EPA and other Federal agencies will be carefully considered. This may include the results of audits conducted by EPA’s Office of Inspector General, other Federal agencies, or State, local or tribal oversight entities. Applicants are strongly encouraged to discuss their performance history and to provide the names of contacts for EPA to obtain additional information.

*Note:* OTAQ places a high priority on proposals that clearly show how they will count the tons of emissions saved as a result of their implementation, and on those involving partnerships with entities that provide wide range of perspectives on the issue, contributing a broader vision and wider skill mix to the effort. Applicants should show clearly how the approach to reducing VMT and tons of emissions addresses the problem identified without posing other emissions concerns. For example, a vehicle type being promoted for low CO<sub>2</sub> emissions in the context of GHG reduction should not result in even more significant increases in emissions of methane, an even more potent GHG.

Moreover, every applicant should understand that EPA will consider the ramifications that the proposal may

generate, and it wishes to ascertain whether each proposal shows consistency with EPA’s broader mission beyond the realm of transportation-related emissions. That is, the proposed project should, for example, present no cross-media concerns, and should respect environmental justice considerations.

### Section VI. Evaluation and Selection

#### K. How does the evaluation process work?

The EPA Evaluation Team will be chosen in such a way that it can address a full range of transportation/air quality/climate change matters. Each EPA Regional office will be given the opportunity to review those proposals generated by eligible organizations within that Region. The Evaluation Team will base its evaluation solely on the criteria referenced in this Notice. Completed evaluations will be referred to a Selection Committee representing OTAQ staff and senior managers and Regional representatives who are responsible for further consideration and final selection. Selected proposals will be submitted to EPA’s grants office for final approval for award. Applicants will be notified promptly after this process concerning their proposal’s status.

### Section VII. Proposals

#### L. What must be included in the proposal?

The proposal must contain a narrative, letters of commitment from partners, and EPA’s federal assistance application forms (“Application for Federal Assistance and Budget Information,” SF 424 and SF 424A). (Please do not use binders or spiral binding for your submission.) The narrative, which should be approximately 7–8 pages in length, must explicitly address how the proposal meets each of the evaluation criteria. Again, in the course of describing how it meets the criteria, the narrative must include:

(1) A concise statement of the nature of the problem, project background, and objectives;

(2) A detailed project summary—description of specific actions to be undertaken, and the responsible organizations, including estimated time line for each task;

(3) The associated work products to be developed;

(4) An explanation of project benefits;

(5) An explanation of how project outcomes will be designed for replication in other communities;

(6) A detailed budget—clearly explain how funds will be used, including estimated cost for each task, and funds set aside for resources to promote replication;

(7) A detailed explanation of how the project shall be evaluated;

(8) The projected time frame for project from initiation through completion;

(9) Project contact(s) (must provide name, organization, phone, fax, and e-mail), and;

(10) A description of the roles of the applicant and partners.

Special attention should be provided to the details of pilot implementation and the mechanisms proposed to enable broad-scale replication of its innovations. This includes access to tools and information for interested parties seeking to replicate as appropriate and build upon the project's outcomes. This includes materials generated through the project, contact information, keys/barriers to success, a narrative or "roadmap" of the process, etc.

In addition to the narrative, the proposal should include a letter of commitment from each partner organization that briefly summarizes its roles and goals in the partnership. Again, please keep in mind that any contracts or subgrants awarded to partner organizations must comply with applicable regulations.

EPA financial assistance procedures require that the official and complete federal assistance application forms ("Application for Federal Assistance and Budget Information," SF 424 and SF 424A) be submitted by all applicants with their proposals. For those in need of guidance in filling out these forms, an Application Kit for Federal Assistance (which includes the forms) can be obtained from EPA's Grants Administration Division at (202) 564-5305. These forms can also be downloaded from the following website: [www.whitehouse.gov/omb/grants/#forms](http://www.whitehouse.gov/omb/grants/#forms).

## VIII. Other Items of Interest

*M. Does this funding expire at the end of Fiscal Year 2001? Will two-year projects be considered?*

Funding does not expire at the end of Fiscal Year 2001. If a proposal with a two-year project period is submitted, OTAQ simply requires that the budget and cost estimate be designed to indicate what will be accomplished in each of the first and second years. However, the total amount of the grant does not change if the project period extends to two years.

*N. May an eligible organization submit more than one proposal?*

Yes. However, more than one proposal may be submitted only if the proposals are for different projects.

*O. May an eligible organization submit a proposal for this fiscal year, even if the organization were previously awarded funding under another program?*

Yes. Applicants awarded funding in previous competitions may submit new proposals to fund a different project. As mentioned previously, this program is designed to provide seed money to initiate new projects, or to add new dimensions to existing projects (e.g., new focus on youth, additional locations, innovative approaches, different constituencies). Awards will not be given to extend or supplement an ongoing program if the proposal adds nothing that is new in some significant way.

*P. May an eligible organization resubmit a proposal which was previously submitted to another competition for funding, but was not selected?*

Yes. However, those proposals will be measured against the evaluation criteria described above.

*Q. What is the difference between this solicitation and the Mobile Source Outreach Assistance Competition? Can I apply to both?*

These are two distinct competitions, though offered in fiscal year 2001 at approximately the same time. While they may share some goals, such as providing assistance to stakeholders wishing to implement innovative programs that reduce mobile source related emissions, they differ in important ways. While the Mobile Source Outreach Assistance Competition was originated with the expressed purpose of promoting outreach in the mobile source emissions arena, the scope of eligible projects is broader under this solicitation. However, this solicitation limits eligible applicants to state, local, tribal, and multi-state agencies involved with transportation, air quality, and/or climate change issues. Moreover, this competition requires that the applicant demonstrate how CO<sub>2</sub> and, depending upon the problem identified, other emissions and/or VMT will be reduced, and an estimate of those reductions in VMT/tons of emissions through implementation. The demonstration and estimate are not required for the Mobile Source Outreach Assistance Competition.

Applicants to this competition may submit a proposal that includes a component that was submitted to the Mobile Source Outreach Assistance Competition. However, due to the differing nature of the requirements, it is unlikely that an exact duplication of a proposal submitted to one would be suitable to be submitted to the other.

*R. What will cause a proposal to be considered ineligible or non-responsive to this solicitation?*

A proposal will be determined to be ineligible if:

- It is not submitted by a state, local, tribal, or multi-state agency involved with transportation, air quality, or climate change issues, or;
- It does not satisfy the requirements for funding authorized under section 103 of the Clean Air Act (described in the "Background" section, above).

A proposal will be considered non responsive if:

- It does not address each criterion and each component outlined in Section VII.L., above, or;
- It lacks the completed forms "Application for Federal Assistance and Budget Information," SF 424 and SF 424A, or;
- If hard copies of the proposal are received or postmarked by the U.S. Postal Service after the deadline.

*S. Will Letters of Recommendation or Commendation Help a Proposal During its Evaluation?*

No. Letters of recommendation or commendation will not be considered. However, letters from partners expressing their commitment to the proposed project will strengthen an application's standing; those documenting successful performance on Federal assistance projects will be given greater weight than letters which express only general support for the applicant.

## Section IX. How To Apply

*T. How Does One Apply?*

Intents to Apply may take the form of email, fax or phone call to the Program Contact, Mary E. Walsh (address listed below; phone: (734) 214-4205; fax: (734) 214-4052; e-mail: [walsh.mary@epa.gov](mailto:walsh.mary@epa.gov). Include organization, contact, phone number, and project title/subject. Please submit informal Intents to Apply by Wednesday, March 14, 2001. (Remember, the Intent to Apply is not required and will have no bearing on the judging process, but we do request it for the benefit of our planning process.) Submission of an Intent to Apply or a final proposal does not guarantee funding.

Completed application packages must be postmarked or received via regular mail or express mail on or before midnight, Tuesday, April 24, 2001 (please provide original proposal + six copies—*no binders or spiral binding, please!*—plus one completed set of forms SF 424 and SF 424A, “Application for Federal Assistance and Budget Information”), addressed to: Mary E. Walsh (TRPD), US EPA Office Transportation and Air Quality, 2000 Traverwood Dr., Ann Arbor, MI 48105.

### **Deadline For Completed Final Proposals**

Proposals must be received or postmarked no later than midnight on April 24, 2001.

Dated: February 9, 2001.

**Margo Tsirigotis Oge,**

*Director, Office of Transportation and Air Quality, Environmental Protection Agency.*  
[FR Doc. 01-4268 Filed 2-20-01; 8:45 am]

**BILLING CODE 6560-50-U**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-6946-8]**

### **Science Advisory Board; Notification of Public Advisory Committee Meeting**

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that two committees of the USEPA Science Advisory Board (SAB) will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

The Research Strategies Advisory Committee (RSAC) of the Science Advisory Board (SAB), will meet on Tuesday, March 6, 2001 and Wednesday, March 7, 2001 in the EPA Ariel Rios Building, Room 6013 North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The meeting will begin at 8:30 am and end no later than 5 pm on both days.

The purpose of the meeting is to begin an advisory on second phase of RSAC's review of the Peer Review Program (see 64 FR 46189, August 24, 1999 for additional details), a consultation on the National Program Director process established by ORD to manage large

cross-cutting programs and how the Agency obtains science from other sources, a consultation on multi-year research planning, a consultation on performance metrics for science programs, and to plan for the FY 2002 policy budget review and commentary and testimony to Congress likely to be held in May 2001.

As it begins its advisory on EPA's implementation of the peer review program the Committee will examine two to three case studies to better understand how the peer review guidance was followed, how the charge questions helped focus the review, and how the product was improved by the review. The consultation with the National Program Directors will examine how the NPD program works as the NPDs share their experiences in getting science from various sources within and outside the Agency to support the EPA's mission. The multi-year research planning consultation will look at one core and one problem-driven research plan as a basis to inform the committee of this activity, to elicit advice from the individual members about how the process could be improved and to begin to discuss how to measure the success of science programs over time. The performance metrics consultation will build on the points raised during the multi-year planning discussion and explore the implications of the Government Performance and Results Act (GPRA) requirements which requires that outcomes be described for all Federal programs, including science programs. How does one measure the success of environmental science efforts which take time for completion and which contribute to but do not directly result in clean air, water and soil. During the budget discussion the Committee will begin to identify specific themes and issues against which it will evaluate EPA's FY 2002 Science and Technology budget request.

**Charge to the Committee**—The current RSAC charge with respect to its review of the peer review process at EPA is: (a) Is EPA peer reviewing the right products? (b) Are the peer reviews conducted appropriately? (c) Do the peer reviews make a difference? (d) Does EPA peer review all the science it uses (e.g., data submitted from parties outside the Agency)? (e) Does the RSAC have additional comments/guidance for EPA?

**For Further Information**—Members of the public desiring additional information about the meeting should contact Dr. Jack Fowle, Designated Federal Officer (DFO), Research Strategies Advisory Committee (RSAC),

USEPA Science Advisory Board (1400A), Room 6450, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone/voice mail at (202) 564-4547; fax at (202) 501-0582; or via e-mail at [fowle.jack@epa.gov](mailto:fowle.jack@epa.gov). For a copy of the draft meeting agenda, please contact Ms. Wanda R. Fields, Management Assistant at (202) 564-4539 or by FAX at (202) 501-0582 or via e-mail at [fields.wanda@epa.gov](mailto:fields.wanda@epa.gov).

Background materials are available for some of the above discussions. Where available, these can be obtained from Ms. Lisa Matthews, US EPA, Office of Research and Development (8101R), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (202) 564-6669, fax (202) 565-2431, e-mail [matthews.lisa@epa.gov](mailto:matthews.lisa@epa.gov).

**Providing Oral or Written Comments**—Members of the public who wish to make a brief oral presentation to the Committee must contact Dr. Fowle *in writing* (by letter or by fax—see previously stated information) no later than 12 noon Eastern Time, Wednesday, February 28, 2001 in order to be included on the Agenda (see SAB policy on providing comments, below). The request should identify the name of the individual who will make the presentation, the organization (if any) they will represent, any requirements for audio visual equipment (e.g., overhead projector, 35mm projector, chalkboard, etc), and at least 35 copies of an outline of the issues to be addressed or the presentation itself.

### **Providing Oral or Written Comments at SAB Meetings**

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. **Oral Comments:** In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total, unless otherwise stated. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB accepts written comments until the date of the meeting (unless otherwise stated),

written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to Dr. Fowle at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file formats: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on our Website (<http://www.epa.gov/sab>) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr. Fowle at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: February 12, 2001.

**Donald G. Barnes,**

*Staff Director, Science Advisory Board.*

[FR Doc. 01-4271 Filed 2-20-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-30482B; FRL-6769-3]

### Pesticide Product Registrations; Conditional Approval

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of applications submitted by Bayer Corporation, to conditionally register the pesticide products Everest Technical, Everest 70% Water Dispersible Granular Herbicide in Water-Soluble Packets, and Everest 70% Water Dispersible Granular Herbicide containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan L. Stanton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5218; e-mail address: [stanton.susan@epa.gov](mailto:stanton.susan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

To access a fact sheet which provides more detail on this registration, go to the Home Page for the Office of Pesticide Programs at <http://www.epa.gov/pesticides/>, and select "fact sheet."

2. *In person.* The Agency has established an official record for this action under docket control number OPP-30482B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall# 2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, Arlington, VA (703) 305-5805. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Such requests should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

## II. Did EPA Conditionally Approve the Application?

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that

use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of Flucarbazone-Sodium, and information on social, economic, and environmental benefits to be derived from such use.

Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of Flucarbazone-Sodium during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C) of FIFRA, the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

### III. Conditionally Approved Registration

EPA published a notice in the **Federal Register** of October 20, 1999 (64 FR 56500) (FRL-6382-8), announcing that Bayer Corporation 8400 Hawthorne Rd., P.O. Box 4913, Kansas City, MO 64120, had submitted applications to conditionally register the pesticide products Flucarbazone-Sodium Technical Herbicide, Flucarbazone-Sodium 70% Water Dispersible Granular In Water Soluble Packets, and Flucarbazone-Sodium 70% Water Dispersible Granular Herbicide (EPA File Symbols 3125-LGG, 3125-LGU, and 3125-LGL), containing the active ingredient flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-N-[[2-(trifluoromethoxy)phenyl]sulfonyl]-1H-1,2,4-triazole-1-carboxamide, sodium salt at 95.6%, 70%, and 70% respectively, an active ingredient not included in any previously registered products. The name of the products "Flucarbazone-Sodium" was subsequently changed to "Everest" prior to registration.

The applications submitted by Bayer Corporation were conditionally approved as Everest on September 29, 2000, for one technical and two end-use products, containing the active ingredient flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-N-[[2-(trifluoromethoxy)phenyl]sulfonyl]-

1H-1,2,4-triazole-1-carboxamide, sodium salt as listed below:

1. EPA Registration Number 3125-533). Product name: Everest Technical Herbicide. For formulation of herbicides for use on spring and winter wheat.

2. EPA Registration Number 3125-534). Product name: Everest 70% Water Dispersible Granular In Water Soluble Packets. For post emergence control of wild oat and green foxtail in spring and winter wheat.

3. EPA Registration Number 3125-535). Product name: Everest 70% Water Dispersible Granular Herbicide. For post emergence control of wild oat and green foxtail in spring and winter wheat.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 1, 2001.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 01-3872 Filed 2-20-01; 8:45 am]

**BILLING CODE 6560-50-S**

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6942-3]

#### Southern Asbestos Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The United States Environmental Protection Agency is proposing to enter into a settlement with David J. Frazier pursuant to 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Southern Asbestos Superfund Site located in Bennettsville, Marlboro County, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from:

Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD-CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303 (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within thirty (30)

calendar days of the date of this publication.

Dated: January 26, 2001.

**James T. Miller,**

*Acting Chief, CERCLA Program Services Branch, Waste Management Division.*

[FR Doc. 01-4272 Filed 2-20-01; 8:45 am]

**BILLING CODE 6560-50-U**

### FEDERAL COMMUNICATIONS COMMISSION

[DA 01-284]

#### Public Safety National Coordination Committee

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This Public Notice advises interested persons that pursuant to the Commission's Rules, notice is hereby given that the charter of the National Coordination Committee, a Federal Advisory Committee established by the Federal Communications Commission, has been renewed for a two-year period commencing February 25, 2001.

**DATES:** February 25, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Designated Federal Officer, Michael J. Wilhelm, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, telephone 202.418.0860, email, mwilhelm@fcc.gov.

#### SUPPLEMENTARY INFORMATION:

Additional information about the NCC and NCC-related matters can be found on the NCC website located at: <http://www.fcc.gov/wtb/publicsafety/ncc.html>.

Federal Communications Commission.

**Jeanne Kowalski,**

*Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.*

[FR Doc. 01-4212 Filed 2-20-01; 8:45 am]

**BILLING CODE 6712-01-U**

### FEDERAL COMMUNICATIONS COMMISSION

#### Sunshine Act Meeting

February 15, 2001.

#### FCC To Hold Open Commission Meeting Thursday, February 22, 2001

The Federal Communications Commission will hold an Open Meeting on Thursday, February 22, 2001, at 9:30 a.m. in room TW-C305, at 445 12th Street, SW., Washington, DC. The



meeting will focus on a comprehensive review of FCC policies and procedures by the Commissioners and senior agency officials.

Presentations will be made in two panels:

Panel One consisting of the Chiefs of the Wireless Telecommunications Bureau, Common Carrier Bureau, Enforcement Bureau and Consumer Information Bureau, and

Panel Two consisting of the Chiefs of the Office of Engineering and Technology, International Bureau, Mass Media Bureau and Cable Services Bureau.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418-0500; TTY (202) 418-2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857-3800; fax (202) 857-3805 and 857-3184; or TTY (202) 293-8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: [its\\_inc@ix.netcom.com](mailto:its_inc@ix.netcom.com). Their Internet address is <http://www.itsdocs.com/>.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993-3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966-2211 or fax (202) 966-1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834-0100; fax number (703) 834-0111.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 01-4426 Filed 2-16-01; 3:10 pm]

**BILLING CODE 6712-01-M**

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2464]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

February 9, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY-A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed by March 8, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended (WT Docket No. 99-87, RM-9332, RM-9405, RM-9705); Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies; Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz; and Petition for Rule Making of the American Mobile Telecommunications Association.

*Number of Petitions Filed:* 14.

*Subject:* Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket No. 94-102).

*Number of Petitions Filed:* 1.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-4214 Filed 2-20-01; 8:45 am]

**BILLING CODE 6712-01-M**

## FEDERAL ELECTION COMMISSION

[Notice 2001-2]

### Filing Dates for the Pennsylvania Special Election in the 9th Congressional District

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for special election.

**SUMMARY:** Pennsylvania has scheduled a special election on May 15, 2001, to fill the U.S. House of Representatives seat in the Ninth Congressional District vacated by Congressman Bud Shuster.

Committees participating in the Pennsylvania special election are required to file pre- and post-election reports.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory J. Scott, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694-1100; Toll Free (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** All principal campaign committees of candidates who participate in the Pennsylvania Special General and all other political committees that support candidates in the Special General shall file a 12-day Pre-General Report on May 3, 2001, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through April 25, 2001; and a 30-day Post-General Report on June 14, 2001, with coverage dates from April 26 through June 4, 2001.

Committees filing monthly that support candidates in the Pennsylvania Special General should continue to file according to the non-election year monthly reporting schedule.

### Calendar of Reporting Dates for Pennsylvania Special Elections

#### COMMITTEES INVOLVED IN THE SPECIAL GENERAL (05/15/01) MUST FILE

Report	Close of books <sup>1</sup>	Reg./cert. mailing date <sup>2</sup>	Filing date
Pre-General .....	04/25/01	04/30/01	05/03/01
Post-General .....	06/04/01	06/14/01	06/14/01
Mid-Year .....	06/30/01	07/31/01	07/31/01

<sup>1</sup> The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

<sup>2</sup> Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.



Dated: February 15, 2001.

**Karl J. Sandstrom,**

*Commissioner, Federal Election Commission.*

[FR Doc. 01-4246 Filed 2-20-01; 8:45 am]

BILLING CODE 6715-01-P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 6, 2001.

**A. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *David Jackson Swearingen and Susan Gail Swearingen, Nevada, Missouri;* to acquire voting shares of 1889 Bancshares, Inc., Nevada, Missouri, and thereby indirectly acquire voting shares of First National Bank of Nevada, Nevada, Missouri.

Board of Governors of the Federal Reserve System, February 14, 2001.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 01-4172 Filed 2-20-01; 8:45 am]

BILLING CODE 6210-01-P

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### Government in the Sunshine; Meeting Notice

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 11 a.m., Monday, February 26, 2001.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Lynn S. Fox, Assistant to the Board; 202-452-3204.

**SUPPLEMENTARY INFORMATION:** You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 16, 2001.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 01-4447 Filed 2-16-01; 5:04 pm]

BILLING CODE 6210-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Notice of Meeting of the Advisory Committee on Blood Safety and Availability

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice of meeting.

The Advisory Committee on Blood Safety and Availability will meet on Thursday April 19, 2001 and Friday April 20, 2001 from 8 a.m. to 5 p.m. The meeting will take place at the Hyatt Regency Hotel on Capitol Hill, 400 New Jersey Ave., NW., Washington, DC 20001. The meeting will be entirely open to the public.

The first item on the agenda will be what should be the Department's current and future actions under its Blood Action Plan to monitor the availability of blood products in the United States. Specific comment will be solicited on what parameters should be monitored, how these parameters should be analyzed, and where responsibility for this activity should rest.

The second item on the agenda will be what, if any, actions the Department of Health and Human Services should take to strengthen current efforts to promote blood safety and availability throughout the world.

Public comment will be solicited at the meeting. Public comment will be

limited to five minutes per speaker. Those who wish to have printed material distributed to Advisory Committee members should submit thirty (30) copies to the Executive Secretary prior to close of business April 5, 2001. In addition, anyone planning to comment on either item is encouraged to contact the Executive Secretary at his/her earliest convenience.

#### FOR FURTHER INFORMATION CONTACT:

Stephen D. Nightingale, M.D., Executive Secretary, Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, Office of Public Health and Science, 200 Independence Ave., SW., Room 736-E, Washington, DC 20201. Phone (202) 690-5560. FAX (202) 690-7560, e-mail

[StephenDNightingale@osophs.dhhs.gov](mailto:StephenDNightingale@osophs.dhhs.gov).

Dated: February 13, 2001.

**Stephen D. Nightingale,**

*Executive Secretary Advisory Committee on Blood Safety and Availability.*

[FR Doc. 01-4243 Filed 2-20-01; 8:45 am]

BILLING CODE 4160-17-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### PHS Policy on Instruction in the Responsible Conduct of Research

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice of suspension of "PHS Policy on Instruction in the Responsible Conduct of Research."

**SUMMARY:** On December 7, 2000, the Office of Research Integrity (ORI), in collaboration with each of the Public Health Service (PHS) Operating Divisions, announced in the **Federal Register** the issuance of a Final Policy on Instruction in the Responsible Conduct of Research. 65 FR 76647. A Draft PHS Policy on Instruction in the Responsible Conduct of Research was announced in the **Federal Register** on July 21, 2000, and made available for public comment until September 21, 2000. In response to the public comment, ORI and the PHS agencies made substantial revisions to the draft policy before its issuance in final form.

Consistent with the President's January 20, 2001, Regulatory Review Plan, on behalf of PHS, ORI hereby suspends implementation of the "PHS Policy on Instruction in the Responsible Conduct of Research" to permit additional review both of the substance of the policy and the process for adoption. Pending completion of that

review, institutions that might otherwise be subject to the RCR policy are under no obligation to implement the policy unless further public notice is issued in the **Federal Register**. Any future PHS action taken to implement the RCR policy would provide extended implementation time frames that take into consideration this suspension.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Bullman, J.D., Senior Program Analyst, Division of Education and Integrity, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443-5300.

**Chris B. Pascal, J.D.,**

*Director, Office of Research Integrity.*

[FR Doc. 01-4226 Filed 2-20-01; 8:45 am]

**BILLING CODE 4150-31-U**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Comment Request**

**Proposed Projects**

*Title:* TANF High Performance Bonus Report, Assessment of Medicaid and SCHIP Enrollment.

*OMB No.:* New Collection.

*Description:* Public Law 104-93 (PRWORA) established the Temporary Assistance for Needy Families (TANF) Program. It also included provisions for rewarding States that attain the highest levels of success in achieving the legislative goals of that program. The purpose of this collection is to obtain data upon which to base the

computation for measuring State performance in meeting those goals by providing Medicaid and SCHIP work supports. DHHS will use the information to allocate the Medicaid/SCHIP portion of the bonus grant funds appropriated under the law and implemented by 45 CFR part 270 published on August 30, 2000. States will not be required to submit this information unless they elect to compete in a Medicaid/SCHIP measure for the TANF High Performance Bonus awards in Federal fiscal years 2002 or 2003, or any subsequent Federal fiscal year for which Congress authorizes and appropriates bonus funds.

*Respondents:* Respondents may include any of the 50 States, the District of Columbia, and the U.S. Territories of Guam, Puerto Rico, and the Virgin Islands.

**ANNUAL BURDEN ESTIMATES**

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
TANF high performance bonus report, assessment of Medicaid and SCHIP enrollment among individuals after leaving TANF assistance .....	54	2	40	4,320
Estimated total annual burden hours .....	.....	.....	.....	4,320

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 14, 2001.

**Bob Sargis,**

*Reports Clearance Officer.*

[FR Doc. 01-4188 Filed 2-20-01; 8:45 am]

**BILLING CODE 4184-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**Allergenic Products Advisory Committee; Notice of Meeting**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

*Name of Committee:* Allergenic Products Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on March 5, 2001, 8:30 a.m. to 5 p.m.

*Location:* Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

*Contact:* William Freas or Pearline K. Muckelvene, Center for Biologics Evaluation and Research (HFM-71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

*Agenda:* On March 5, 2001, the committee will hear updates on: (1) The Laboratory of Immunobiochemistry personnel, (2) lot release statistics, (3) new guidance documents, (4) research and standardization programs, and (5) a compliance report. The committee will discuss whether master seed stocks of mold strains used for allergenic extracts should be rederived to reduce a theoretical risk of transmissible spongiform encephalopathy transmission. The committee will also discuss the statistical power of clinical studies used to assess bioequivalence as it applies to allergen extract studies. In the afternoon, the committee will discuss particulates that appear in allergen extracts and the effect of these particulates on the safety and efficacy on these products. In closed session, the committee will receive a report on the status of an investigational new drug application and product license application supplement.

*Procedure:* On March 5, 2001, from 8:30 a.m. to 3:30 p.m., the meeting is open to the

public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by February 17, 2001. Oral presentations from the public will be scheduled between approximately 11:10 a.m. and 11:40 a.m., and between approximately 2:40 p.m. and 3:10 p.m. on March 5, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before February 21, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

**Closed Committee Deliberations:** On March 5, 2001, from approximately 3:30 p.m. to 5 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). This portion will be closed to permit discussion of these materials.

FDA regrets that it was unable to publish this notice 15 days prior to the March 5, 2001, Allergenic Products Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Allergenic Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 14, 2001.

**Bonnie H. Malkin,**

*Special Assistant to the Senior Associate Commissioner.*

[FR Doc. 01-4230 Filed 2-20-01; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 01N-0057]

#### Determination That Bethanechol Chloride Injection and Tablets Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined that bethanechol chloride 5 milligrams (mg) per milliliter (mL) injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets, all formerly marketed by Merck & Co., Inc. (Merck), were not withdrawn from sale for reasons of

safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDA's) for bethanechol chloride drug products, and it will also allow FDA to continue to approve ANDA's for bethanechol chloride drug products.

#### FOR FURTHER INFORMATION CONTACT:

Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

**SUPPLEMENTARY INFORMATION:** In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (the 1984 amendments) (Public Law 98-417), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the "listed drug," which is a version of the drug that was previously approved. Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug to which the ANDA refers.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," generally known as the "Orange Book." Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.161(a)(2) (21 CFR 314.161(a)(2)) the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness if ANDA's that refer to the drug that was withdrawn are approved. Section 314.161(d) provides that if FDA determines that the listed drug was removed from sale for safety or effectiveness reasons, the agency will begin proceedings to withdraw approval

of the ANDA's that refer to the drug that was withdrawn from sale.

FDA has received a letter, dated April 7, 2000, from Merck, holder of NDA 6-536 for bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets, stating that Merck has withdrawn those products from sale. Danbury Pharmacal, Inc., Roberts Laboratories, Inc., Glenwood, Inc., and Sidmak Laboratories, Inc. (Sidmak), all hold approved ANDA's that refer to one or more of Merck's bethanechol chloride drug products. Merck sold its bethanechol chloride drug products under the trade name of Urecholine. In their April 7, 2000, letter, Merck also informed FDA that Merck has assigned the trademark Urecholine to Sidmak for use in the sale of Sidmak's bethanechol chloride drug products.

FDA has reviewed its records and, under § 314.161, has determined that bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will list Merck's bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. The approval status of the ANDA's that refer to bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets is unaffected. ANDA's for bethanechol chloride 5-mg/mL injection and bethanechol chloride 5-, 10-, 25-, and 50-mg tablets may be approved by the agency.

Dated: February 14, 2001.

**Ann M. Witt,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 01-4229 Filed 2-20-01; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-9044]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration

(HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Provider Reimbursement Manual, Part 1—Chapter 27, Section 2721, 2722 and 2725, Request for Exception to ESRD Composite Rates and Supporting Regulations in 42 CFR 413.170 and 413.184; *Form No.:* HCFA-9044 (OMB# 0938-0296); *Use:* Sections 2721, 2722 and 2525 of the Provider Reimbursement Manual describe the information ESRD facilities must submit in justifying an exception request to their composite rate for outpatient dialysis services.; *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions and Federal Government; *Number of Respondents:* 291; *Total Annual Responses:* 291; *Total Annual Hours:* 14,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's Web Site Address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 25, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-4256 Filed 2-20-01; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Availability of Funds in the HRSA Preview; Withdrawal

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice; withdrawal.

**SUMMARY:** In the **Federal Register** notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in the HRSA Preview" of FR Doc. 00-16874, on page 42217, the grant category beginning in the first column under the heading "Partnership for Information and Communication (PIC) MCH Cooperative Agreements, CFDA# 93.110G," is withdrawn from competition because no competition is needed to fund all potential eligibles for this fiscal year. Prospective applicants have been notified directly of this withdrawal.

**FOR FURTHER INFORMATION CONTACT:** Sue Martone, Division of Child, Adolescent and Family Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A-30, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1-301-443-2250.

Dated: February 14, 2001.

**James J. Corrigan,**

*Associate Administrator for Management and Program Support.*

[FR Doc. 01-4232 Filed 2-20-01; 8:45 am]

**BILLING CODE 4160-15-U**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Availability of Funds in the HRSA Preview; Correction

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** In the **Federal Register** notice of Friday, July 7, 2000, in Part III "Availability of Funds Announced in

the HRSA Preview" of FR Doc. 00-16874, on page 42225, the grant category beginning in the first column under the heading "Healthy Start Initiative (HSI)—Eliminating Disparities in Perinatal Health—Border Health, CFDA# 93.926N," is amended to further extend eligibility to applicants in Hawaii and Alaska who meet all requirements for this competition other than proximity to the Mexican border. These requirements include changes enumerated in item (4) of our **Federal Register** notice of Monday, December 4, 2000, in FR Doc. 00-30824, page 75721, beginning in the second column.

#### FOR FURTHER INFORMATION CONTACT:

David de la Cruz, Division of Perinatal Systems and Women's Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A-30, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone 1-301-443-8427.

Dated: February 14, 2001.

**James J. Corrigan,**

*Associate Administrator for Management and Program Support.*

[FR Doc. 01-4231 Filed 2-20-01; 8:45 am]

**BILLING CODE 4160-15-U**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4655-N-02]

### Notice of Proposed Information Collection: Comment Request; Mortgage Record Change

**AGENCY:** Office of the Assistant Secretary for Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* April 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Silas C. Vaughn, Single Family Insurance Operations Division,

Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-1994, Ext. 3545 (this is not a toll free number) for information on Mortgage Record Changes (formerly form HUD-92080, Mortgage Record Change).

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Mortgage Record Change.

*OMB Control Number, if applicable:* 2502-0422.

*Description of the need for the information and proposed use:* The Mortgage Record Change information is used by FHA-approved mortgages to comply with HUD requirements for reporting the sale of a mortgage between investors, 24 CFR 203.431, and/or the transfer of the mortgage servicing responsibility, 24 CFR 203.502, as appropriate. The information required is used to update HUD's Single Family Insurance System and other related systems. Current data is necessary to establish mortgage premium liability, forward annual premium mortgage data to the appropriate mortgagee/servicer, and maintain premium receivables and program data regarding investors/servicer activity. Without the required data, the premium collection/monitoring function would be severely impeded and program data would be unreliable. The annual expected amount for regular Monthly Insurance Premiums (Section 530) is \$3.23 billion and \$1.85 billion for Risk-based premiums. This information is essential because HUD does case level accounting

in recording premium payments by mortgagees.

*Agency form numbers, if applicable:* Not applicable. Form HUD-92080 is now obsolete.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The public reporting burden for this collection of information is estimated to average 0.1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The number of respondents is approximately 9,100, the frequency of response is as required, and the volume per respondent is 20-20,000 annually depending on the size of their FHA portfolio.

*Status of the proposed information collection:* Reinstatement, with change, of previously approved collection for which approval has expired.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 01-4187 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-27-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4650-N-10]

### Notice of Submission of Proposed Information Collection to OMB; 203(k) Rehabilitation Mortgage Insurance

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* March 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0527) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235,

New Executive Office Building, Washington, DC 20503.

### FOR FURTHER INFORMATION CONTACT:

Wayne Eddins, Report Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne\_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* This information collection covers application qualification and certification processes for participants in HUD-FHAs 203(k) Rehabilitation Mortgage insurance program.

*OMB Approval Number:* 2502-0527.

*Form Numbers:* HUD-92700 and HUD-9746-A.

*Description of the Need for the Information and Its Proposed Use:* This information collection covers application, qualification, and certification processes for participants in HUD-FHAs 203(k) Rehabilitation Mortgage Insurance program.

*Respondents:* Business or other for profit, Not-for-profit institutions, Federal Government.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,500		12.6		1.23		319,450

*Total Estimated Burden Hours:*  
319,450.

*Status:* Reinstatement, without change.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-4181 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4650-N-11]

### Notice of Submission of Proposed Information Collection to OMB; Tenant Opportunities Program (TOP) Semi-Annual Report

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal

**DATES:** *Comments Due Date:* March 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577-0087) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne\_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will

be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Tenant Opportunities Program (TOP) Semi-Annual Report.

*OMB Approval Number:* 2577-0087.

*Form Numbers:* HUD-52370.

*Description of the Need for the Information and Its Proposed Use:* HUD announces funding for the Tenant Participation and Tenant Opportunities in Public Housing (TOP) inviting eligible applicants to submit an application for grant funding for this Program. Housing agencies consult with tenants, resident councils adopt written procedures, grant agreements are executed, and the HUD-52370 is submitted. HUD uses this information to evaluate the grantee's progress in carrying out the approved TOP Work Plan/Budget.

*Respondents:* State, Local or Tribal Government.

*Frequency of Submission:* Annually.

*Reporting Burden:*

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
958		2		2		3,832

*Total Estimated Burden Hours:* 3,832.

*Status:* Reinstatement, with change.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-4182 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4650-N-12]

### Notice of Submission of Proposed Information Collection to OMB; Economic Development and Supportive Services Program; Reporting Requirements

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of

Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* March 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577-0211) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235,

New Executive Office Building,  
Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne\_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB

approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Economic Development and Supportive Services Program: Reporting Requirements.

*OMB Approval Number:* 2577-0211.

*Form Numbers:* None.

*Description of the Need for the Information and Its Proposed Use:* Under the Economic Development and Supportive Services Program (EDSS), HUD awarded grants to Housing Agencies (HAs) to provide economic development and supportive services to assist HA residents, the elderly and persons with disabilities to become economically self-sufficient and to live independently. This information collection requires HAs to submit an annual progress report, participant evaluation and assessment data and other information, regarding the effectiveness of the (EDSS) activities.

*Respondents:* State, Local or Tribal Government.

*Frequency of Submission:* Annually.

*Reporting Burden:*

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
224		1		8		1,792

*Total Estimated Burden Hours:* 1,792.

*Status:* Reinstatement, without change.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-4184 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-01-M**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

[Docket No. FR-4650-N-13]

**Notice of Submission of Proposed  
Information Collection to OMB;  
Description of Materials**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* March 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0192) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne\_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable;

(6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Description of Materials.

*OMB Approval Number:* 2502-0192.

*Form Numbers:* HUD-92005.

*Description of the Need for the Information and Its Proposed Use:* This information collection provides information on the materials used and assembly required of new single family home construction and improvements. HUD-FHA uses this information to estimate the value of the homes and compute the maximum mortgage amount for FHA insurance.

*Respondents:* Business or other for-profit, Federal Government.

*Frequency of Submission:* On occasion.

*Reporting Burden*



Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
2,500		20		.05		25,000

*Total Estimated Burden Hours:* 25,000.

*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-4185 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4650-N-14]

### Notice of Submission of Proposed Information Collection to OMB; Adjustable Rate Mortgages (ARMS)

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* March 23, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0322) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne.Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how

frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Adjustable Rate Mortgage (ARMS).

*OMB Approval Number:* 2502-0322.

*Form Numbers:* None.

*Description of the Need for the Information and Its Proposed Use:* The Housing and Urban-Rural Recovery Act of 1983 amended the National Housing Act to permit FHA to insure adjustable rate mortgages (ARMS). The terms of all ARMS insured by HUD-FHA are required to be fully disclosed as part of the loan approval process. Additionally, an annual disclosure is required to reflect the adjustment to the interest rate and monthly mortgage amount.

*Respondents:* Business or other for-profit, Federal Government.

*Frequency of Submission:* On occasion.

*Reporting Burden*

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,000		5		.07		7,000

*Total Estimated Burden Hours:* 7,000.

*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 12, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-4186 Filed 2-20-01; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### North American Wetlands Conservation Council Meeting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Council will meet to select North American Wetlands Conservation Act (NAWCA) proposals for recommendation to the Migratory Bird Conservation Commission. The meeting is open to the public.

**DATES:** The Council will meet March 14, 2001, 1 p.m.

**ADDRESSES:** The meeting will be held at the U.S. Dept. of THE Interior, South, Penthouse, 1849 C St., NW., Washington, DC. The Council Coordinator is located at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia, 22203.

**FOR FURTHER INFORMATION CONTACT:** David A. Smith, Council Coordinator, (703) 358-1784.

**SUPPLEMENTARY INFORMATION:** In accordance with NAWCA (Pub. L. 101-233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding

approval by, the Migratory Bird Conservation Commission, established by the Migratory Bird Conservation Act (16 U.S.C. 715–715d, 715e, 715f–715g). Proposals require a minimum of 50 percent non-Federal matching funds.

Dated: February 5, 2001.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 01–4173 Filed 2–20–01; 8:45 am]

**BILLING CODE 4310–55–U**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of extension of a currently approved information collection (OMB Control Number 1010–0098).

**SUMMARY:** To comply with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), we are notifying you that an information collection request (ICR) titled “Office of Indian Royalty Assistance Customer Satisfaction Postcard” has been forwarded to OMB for review and approval. We are also soliciting your comments on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

**DATES:** Submit written comments on or before March 23, 2001.

**ADDRESSES:** You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0098), 725 17th Street, NW., Washington, DC 20503. Also, please submit copies of your comments to Dennis C. Jones, Regulations and FOIA Team, Minerals Management Service,

Minerals Revenue Management, PO Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225.

**PUBLIC COMMENT PROCEDURE:** Please submit your comments to the offices listed in the “ADDRESSES” section, or email your comments to us at [MRM.comments@mms.gov](mailto:MRM.comments@mms.gov). Include the title of the information collection, the OMB Control Number in the “Attention” line of your comment, and your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Mr. Jones at (303) 231–3046, FAX (303) 231–3385. We will post all comments for public review at <http://www.rmp.mms.gov>.

Also, contact Mr. Jones to review paper copies of the comments. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent’s identity, as allowable by law. If you request that we withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Jones, Regulations and FOIA Team, telephone (303) 231–3046, FAX (303) 231–3385, email

[Dennis.C.Jones@mms.gov](mailto:Dennis.C.Jones@mms.gov). You may also contact Mr. Jones to obtain at no cost a copy of our submission to OMB, which includes a copy of the postcard that will be used to collect this information.

**SUPPLEMENTARY INFORMATION:** Title: Office of Indian Royalty Assistance Customer Satisfaction Postcard.

OMB Control Number: 1010–0098.

Bureau Form Number: N/A.

**Abstract:** The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. We perform the royalty management functions and assist the Secretary in carrying out DOI’s Indian trust responsibility.

MMS’s Office of Indian Royalty Assistance (OIRA) often resolves questions and issues related to individual Indian royalty payments. When an individual Indian mineral owner requests assistance from an OIRA office, we include a Customer Satisfaction Postcard, consisting of four questions, when responding to the owner’s request to help us determine if our service was effective and to identify how we can improve our service.

Responses to this information collection are voluntary. No proprietary, confidential, or sensitive information is collected.

**Frequency:** On occasion.

**Estimated Number and Description of Respondents:** 200 Individual Indian mineral owners.

**Estimated Annual Reporting and Recordkeeping “Hour” Burden:** 7 hours.

Annual reporting/recordkeeping requirements	Frequency	No. of respondents	Burden hours	Annual burden hours
Customer Satisfaction Postcard ..	On occasion .....	200 .....	2 minutes .....	7 hours

**Estimated Annual Reporting and Recordkeeping “Non-hour Cost”**  
Burden: N/A.

**Comments:** The PRA provides that an agency shall not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control

Number. Section 3506(c)(2)(A) of the PRA requires each agency \* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \*. Agencies must specifically solicit comments to: (a) Evaluate

whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the

information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a 60-day **Federal Register** Notice on April 19, 2000 (65 FR 21007), with the required 60-day comment period soliciting comments on this information collection. No comments were received.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 23, 2001.

**MMS Information Collection Clearance Officer:** Jo Ann Lauterbach, telephone (202) 208-7744.

Dated: February 12, 2001.

**Lucy Querques Denett,**

*Associate Director for Royalty Management.*

[FR Doc. 01-4225 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-MR-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Intent to Prepare a Draft Environmental Statement for the General Management Plan, Biscayne National Park, Florida

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Intent to prepare a Draft Environmental Impact Statement (EIS) for the General Management Plan (GMP), Biscayne National Park, Florida.

**SUMMARY:** Notice is hereby given that in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, as amended), the National Park Service has begun preparation of a Draft EIS on the GMP for Biscayne National Park. The statement will assess potential environmental impacts associated with various types and levels of visitor use, and resources management within the park. Specific issues to be addressed include appropriate levels and types of visitor use at various park sites, protection of natural resources such as coral reefs and seagrass beds, protection of cultural resources, and concerns regarding land use surrounding the park.

**DATES:** To determine the scope of issues to be addressed in the Draft GMP and EIS and identify significant issues related to the project, a series of five

public meetings were held between January 22 and January 30, 2001. Additional public meetings will be held at a later date and will be announced by local media.

Comments on this planning effort should be received no later than March 9, 2001. In addition, a newsletter with mailback form was distributed to provide information about this planning process and to obtain public input. The newsletter is posted on the Internet at [www.nps.gov/bisc](http://www.nps.gov/bisc).

**ADDRESSES:** Additional comments or requests for information should be addressed to Superintendent, Biscayne National Park, 9700 SW 328th Street, Homestead, Florida 33030.

**SUPPLEMENTARY INFORMATION:** The draft and final environmental impact statement will be distributed to all known interested parties and appropriate agencies. Full public participation by federal, state, and local agencies as well as other concerned organizations and private citizens is invited throughout the preparation process of this document.

Biscayne National Park boundaries encompass approximately two-thirds of Biscayne Bay, protect a rare combination of terrestrial and undersea life, preserve a scenic subtropical setting and provide outstanding recreational opportunities. Proclaimed as Biscayne National Monument in 1968, the area was redesignated in 1980 as Biscayne National Park to protect both the historical and natural features. These features include the natural environment of Biscayne Bay, the subtropical marine ecosystem, populations of fish and wildlife, and submerged cultural resources. The environmental impact statement will evaluate a range of alternative methods to provide a diverse visitor experience while maximizing protection of resources and operational efficiency.

The responsible official for this environmental impact statement is Jerry Belson, Regional Director, National Park Service, Southeast Region, 100 Alabama Street, SW, 1924 Building, Atlanta, Georgia 30303.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of

organizations or businesses, available for public inspection in their entirety.

Dated: January 25, 2001.

**W. Thomas Brown,**

*Regional Director, Southeast Region.*

[FR Doc. 01-4309 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Preservation Technology and Training Board: Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that the National Preservation Technology and Training Board will meet on March 27 and 28, 2001, in Murfreesboro, TN.

The board was established by Congress to provide leadership, policy advice, and professional oversight to the National Center for Preservation Technology and Training, as required under the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

The board will meet in the Bradley Academy Historical and Cultural Center, 415 South Academy Street, Murfreesboro, TN 37130, on Tuesday, March 27, 2001. The meeting will start at 8:30 a.m. and end at approximately noon. Matters to be discussed include officer, committee, university, National Park Service, and center reports, and the status of the grants program.

On Wednesday, March 28, 2001, the meeting will start at 8:30 a.m. and end at or before noon. Matters to be discussed include a review of past accomplishments of the center and a look towards the future of the center and its partners in the preservation community.

This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with Dr. Neville Agnew, Chair, National Preservation Technology and Training Board, Group Director, Information and Communication, The Getty Conservation Institute, 1200 Getty Center Drive, Suite 700, Los Angeles, CA 90049-1684.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may do so by

contacting Mr. E. Blaine Cliver, Chief, HABS/HAER, National Park Service, 1849 C Street NW-300 NC, Washington, DC 20240, telephone (202) 343-9606. Draft summary minutes of the meeting will be available for public inspection approximately eight weeks after the meeting, at the office of the Manager, National Center for Cultural Resources, 800 North Capitol Street, Suite 350, Washington, DC 20002.

Dated: February 6, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources  
Stewardship and Partnerships.*

for

**E. Blaine Cliver,**

Chief, HABS/HAER,

Designated Federal Official.

[FR Doc. 01-4306 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-F**

## DEPARTMENT OF THE INTERIOR

### National Park Service, Interior

#### Notice of Intent to Repatriate Cultural Items in the Possession of the Illinois State Museum, Springfield, IL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Illinois State Museum, Springfield, IL, that meet the definition of "sacred object" or "object of cultural patrimony" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The two cultural items are a painted wood altar piece and a large cooking pot.

During the 1930's, these cultural items were purchased in the Hopi area of northern Arizona by Edith DeGroat and donated or loaned temporarily to the Huntington Beach Museum, Huntington, CA. In 1966, these cultural items were transferred by the Huntington Beach Museum, at the request of Miss DeGroat, to the Macon County Museum, Decatur, IL. In 2000, the Macon County Museum placed these cultural items in the possession

and control of the Illinois State Museum for NAGPRA repatriation.

Based on examination of the altar piece, documentary evidence from the Macon County Museum, and consultation evidence presented by the representatives of the Hopi Tribe of Arizona and the Katsinmomngwit (Katsina Chiefs), this altar piece is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Based on examination of the cooking pot, documentary evidence from the Macon County Museum, and consultation evidence presented by the representatives of the Hopi Tribe of Arizona and the Katsinmomngwit (Katsina Chiefs), this cooking pot has been identified as having ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. It is estimated to be between 150 and 300 years old. It is blackened from use and has several cracks.

Based on the above-mentioned information, officials of the Illinois State Museum have determined that, pursuant to 43 CFR 10.2 (d)(3), this altar piece is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Illinois State Museum also have determined that, pursuant to 43 CFR 10.2 (d)(4), this cooking pot has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. Finally, officials of the Illinois State Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these items and the Hopi Tribe of Arizona.

This notice has been sent to officials of the Hopi Tribe of Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Dr. Jonathan E. Reyman, Research Associate-Anthropology, Illinois State Museum, Research and Collections Center, 1011 East Ash Street, Springfield, IL 62703-3535, telephone (217) 785-0069, before March 23, 2001. Repatriation of these objects to the Hopi Tribe of Arizona may begin after that date if no additional claimants come forward.

Dated: February 2, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources  
Stewardship and Partnerships.*

[FR Doc. 01-4306 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-F**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the American Museum of Natural History, New York, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the American Museum of Natural History, New York, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by American Museum of Natural History professional staff in consultation with representatives of the Alabama-Coushatta Tribes of Texas; the Alabama-Quassarte Tribal Town, Oklahoma; the Caddo Indian Tribe of Oklahoma; the Catawba Indian Nation; the Cherokee Nation, Oklahoma; the Chickasaw Nation, Oklahoma; the Chitimacha Tribe of Louisiana; the Choctaw Nation of Oklahoma; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians of North Carolina; the Kialegee Tribal Town, Oklahoma; the Miccosukee Tribe of Indians of Florida; the Mississippi Band of Choctaw Indians, Mississippi; the Muscogee (Creek) Nation, Oklahoma; the Poarch Band of Creek Indians of Alabama; the Seminole Nation of Oklahoma; the Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; the Thlopthlocco Tribal Town, Oklahoma; the Tunica-Biloxi Indian Tribe of Louisiana; the Tuscarora Nation of New York; and the United

Keetoowah Band of Cherokee Indians of Oklahoma.

In an unknown year, human remains representing a minimum of one individual were collected by an unknown collector. Museum records indicate that the remains were found in the vicinity of Shreveport, possibly "Caddo Parish?" or "Bossier Parish?," LA. The American Museum of Natural History acquired these human remains as either a purchase or a gift from C.C. Jones, Jr., in 1877. The museum does not have information on how Mr. Jones, Jr., acquired these human remains. No known individual was identified. No associated funerary objects are present.

This individual has been identified as a Native American, based on geographic, biological, and consultation evidence. Geographic, archeological, and biological evidence further suggests that these human remains are likely culturally affiliated with the Caddo Indian Tribe of Oklahoma. This individual exhibits a type of artificial cranial deformation (typically frontal and fronto-occipital) that is seen in many documented pre-contact Caddoan sites and is associated with the pre-contact development of Caddoan culture around A.D. 800. It is generally accepted that Caddoan peoples introduced artificial cranial deformation to Louisiana. Representatives of the Caddo Indian Tribe of Oklahoma, in consultation with American Museum of Natural History staff, included Caddo and Bossier Parishes in their aboriginal territory.

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of one individual of Native American ancestry. Officials of the American Museum of Natural History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Caddo Indian Tribe of Oklahoma.

This notice has been sent to officials of the Alabama-Coushatta Tribes of Texas; the Alabama-Quassarte Tribal Town, Oklahoma; the Caddo Indian Tribe of Oklahoma; the Catawba Indian Nation; the Cherokee Nation, Oklahoma; the Chickasaw Nation, Oklahoma; the Chitimacha Tribe of Louisiana; the Choctaw Nation of Oklahoma; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians of North Carolina; the Kialegee Tribal Town, Oklahoma; the Miccosukee Tribe of Indians of Florida; the Mississippi

Band of Choctaw Indians, Mississippi; the Muscogee (Creek) Nation, Oklahoma; the Poarch Band of Creek Indians of Alabama; the Seminole Nation of Oklahoma; the Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; the Thlopthlocco Tribal Town, Oklahoma; the Tunica-Biloxi Indian Tribe of Louisiana; the Tuscarora Nation of New York; and the United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024-5192, telephone (212) 769-5846, before March 23, 2001. Repatriation of the human remains to the Caddo Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: January 29, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources, Stewardship, and Partnerships.*

[FR Doc. 01-4301 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-F**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Hastings Museum of Natural and Cultural History, Hastings, NE**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Hastings Museum of Natural and Cultural History, Hastings, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Hastings Museum of Natural and Cultural History professional staff in consultation with representatives of the Klamath Indian Tribe of Oregon.

At an unknown date, human remains representing one individual were recovered from the Lava Beds, OR, and donated to the Hastings Museum by W. Dunn between 1926 and 1931. No known individual was identified. No associated funerary objects are present.

Museum records identify this individual as a Modoc person. Historic documentation and consultation evidence indicate that the Modoc traditionally occupied the area of southern Oregon and northern California that includes lava beds.

At an unknown date, human remains representing one individual were recovered from an unknown location in California by person(s) unknown. In 1936, the Hastings Museum purchased these remains from Vernon Lemley. No known individual was identified. No associated funerary object are present.

Museum records identify this individual as a Modoc person. Historic documentation and consultation evidence indicate that the Modoc traditionally occupied the area of southern Oregon and northern California that includes lava beds.

Based on the above-mentioned information, officials of the Hastings Museum of Natural and Cultural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Hastings Museum of Natural and Cultural History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Klamath Indian Tribe of Oregon.

This notice has been sent to officials of the Klamath Indian Tribe of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Teresa J. Kreutzer, Curator, Hastings Museum of Natural and Cultural History, P.O. Box 1286, Hastings, NE 68902, telephone (402) 461-2399, before March 23, 2001. Repatriation of the human remains to the Klamath Indian Tribe of Oregon may begin after that date if no additional claimants come forward.

Dated: January 31, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources  
Stewardship and Partnerships.*

[FR Doc. 01-4305 Filed 2-20-01; 8:45 am]

BILLING CODE 4310-70-F

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the University of Colorado Museum, Eastern New Mexico University, the Maxwell Museum of Anthropology (University of New Mexico), the New Mexico State University Museum, the Museum of New Mexico, the San Juan County Museum, and Bureau of Land Management professional staff in consultation with representatives of the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation.

Between 1966 and 1967, human remains representing three individuals were recovered from site LA 8779 in New Mexico during legally authorized excavations and collections conducted

by the Cottonwood Gulch Foundation. These human remains are presently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. The eight associated funerary objects are a pottery effigy, ladle and bowls, a jet bead, and yucca cord fragments.

Based on material culture, architecture, and site organization, site LA 8779 has been identified as a Chacoan outlier occupied between C.E. 1100-1300.

In 1978, human remains representing two individuals were recovered from site LA 89418 in New Mexico during legally authorized excavations and collections by Bill Kight of the Bureau of Land Management. These human remains are presently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. No associated funerary objects are present.

Based on material culture and site organization, site LA 89418 has been identified as a small Anasazi pueblo occupied between C.E. 900-1300.

In 1979, human remains representing two individuals were recovered from site LA 27211 in New Mexico during legally authorized excavations and collections by the Bureau of Land Management. These human remains are currently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. The two associated funerary objects are a pottery bowl and pitcher.

Based on material culture and site organization, site LA 27211 has been identified as a small Anasazi pueblo occupied between C.E. 900-1300.

In 1987, human remains representing five individuals were recovered from site LA 50364 in New Mexico during legally authorized excavations and collections by Complete Archaeological Service Associates. These human remains are presently curated by the Museum of New Mexico. No known individuals were identified. No associated funerary objects were present.

Based on material culture and site organization, site LA 50364 has been identified as a small Anasazi pueblo occupied between C.E. 1050-1150.

Continuities of ethnographic materials, technology, and architecture indicate affiliation of Anasazi sites in this area of New Mexico with historic and present-day Puebloan cultures. Oral traditions presented by representatives of the Pueblo of Acoma, New Mexico;

the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation support cultural affiliation with Anasazi sites in this area of New Mexico.

Based on the above mentioned information, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 12 individuals of Native American ancestry. Officials of the New Mexico State Office of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 10 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Pueblo of Acoma, New Mexico; the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation.

This notice has been sent to officials of the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Stephen L. Fosberg, State Archeologist and NAGPRA Coordinator, New Mexico State Office, Bureau of Land Management, 1474 Rodeo Road, Santa Fe, NM 87502-0115, telephone (505) 438-7415, before March 23, 2001. Repatriation of the human remains and associated funerary objects to the Pueblo of Acoma, New Mexico; the Hopi Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation may begin after that date if no additional claimants come forward.

Dated: February 1, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources  
Stewardship and Partnerships.*

[FR Doc. 01-4297 Filed 2-20-01; 8:45 am]

BILLING CODE 4310-70-F

**DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University of Alaska Museum, Fairbanks, AK and in the Control of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Alaska Museum, Fairbanks, AK and in the control of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Land Management and University of Alaska Museum professional staff in consultation with representatives of McGrath Native Village.

In 1961, human remains representing one individual were recovered from a site 3/4 of a mile upriver from McGrath Native Village on lands controlled by the Bureau of Land Management following their disturbance by a bulldozer operated by person(s) unknown. These human remains were given to the University of Alaska Museum, Fairbanks, AK, by Pete Egres. No known individual was identified. No associated funerary objects are present.

Based on geographic location, this individual has been identified as Native American. Based on the estimated age of the human remains (early 20th century or before), oral tradition, and evidence of traditional use of the area, this individual has been culturally affiliated with McGrath Native Village.

Based on the above-mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the

human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and McGrath Native Village. This notice has been sent to officials of McGrath Native Village. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 West 7th Avenue, #13, Anchorage, AK 99513-7599, telephone (907) 271-5510, before March 23, 2001. Repatriation of the human remains to McGrath Native Village may begin after that date if no additional claimants come forward.

Dated: February 6, 2001.

**John Robbins,***Assistant Director, Cultural Resources Stewardship and Partnerships.*

[FR Doc. 01-4298 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-F****DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK****AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Land Management and University of Alaska

Museum professional staff in consultation with representatives of Nulato Village.

In 1948, human remains representing two individuals were recovered near Nulato Village, AK, from the surface of two fallen-in graves during legally authorized archeological investigations conducted by Wendell Oswalt. No known individuals were identified. No associated funerary objects are present.

Based on geographic location, these individuals have been identified as Native American. Based on the estimated age of these human remains (19th-early 20th century), oral tradition, and continuity of occupation of the area of the Nulato Village, these individuals have been culturally affiliated with the Nulato Village.

Based on the above-mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Nulato Village.

This notice has been sent to officials of the Nulato Village. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 West 7th Avenue, #13, Anchorage, AK 99513-7599, telephone (907) 271-5510, before March 23, 2001. Repatriation of the human remains to the Native Village of Nulato may begin after that date if no additional claimants come forward.

Dated: February 6, 2001.

**John Robbins,***Assistant Director, Cultural Resources Stewardship and Partnerships.*

[FR Doc. 01-4299 Filed 2-20-01; 8:45 am]

**BILLING CODE 4310-70-F****DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI****AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.



Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology in consultation with representatives of the Seneca Nation of New York and the Haudenosaunee Standing Committee on Burial Rules and Regulations.

At an unknown date, human remains representing one individual were removed from the Reed Site, Richmond, Ontario County, NY, by A. H. Dewey of Rochester, NY. Mr. Dewey donated the remains to the Milwaukee Public Museum in 1923. No known individual was identified. No associated funerary objects are present.

The remains were reportedly removed from a refuse pit at the Reed Site. Historical evidence identifies the Reed Site as a Seneca settlement, occupied circa A.D. 1000–1500.

Based on dental traits and site associations, these human remains are identified as Native American. Historical documentation and consultation evidence provided by representatives of the Seneca Nation of New York and the Haudenosaunee Standing Committee on Burial Rules and Regulations have identified the Reed Site as part of the Seneca's traditional territory.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Seneca Nation of New York and the Seneca-Cayuga Tribe of Oklahoma.

This notice has been sent to officials of the Seneca Nation of New York, the Haudenosaunee Standing Committee on Burial Rules and Regulations, and the Seneca-Cayuga Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before March 23, 2001. Repatriation of the human remains to the Seneca Nation of New York and the Seneca-Cayuga Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 5, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources, Stewardship, and Partnerships.*

[FR Doc. 01–4302 Filed 2–20–01; 8:45 am]

**BILLING CODE 4310–70–F**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology, in consultation with representatives of the Pawnee Nation of Oklahoma.

In 1927, A.M. Brooking, founder of the Hastings Museum, Hastings, NE, removed human remains representing one individual from a Skidi Pawnee

village four miles east of Cushing, Howard County, NE. In 1928, the Hastings Museum donated these remains to the Milwaukee Public Museum as part of a collection exchange. No known individual was identified. No associated funerary objects are present.

Based on cranial morphology and dental characteristics, these human remains are identified as Native American. Milwaukee Public Museum records state that these remains were removed from a Pawnee village. Consultation evidence indicates that the location of the village is within the traditional territory of the Pawnee Nation of Oklahoma.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Pawnee Nation of Oklahoma.

This notice has been sent to officials of the Pawnee Nation of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before March 23, 2001. Repatriation of the human remains to the Pawnee Nation of Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 5, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources, Stewardship, and Partnerships.*

[FR Doc. 01–4303 Filed 2–20–01; 8:45 am]

**BILLING CODE 4310–70–F**

## JUDICIAL CONFERENCE OF THE UNITED STATES

### **Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure**

**AGENCY:** Judicial Conference of the United States, Advisory Committee on Rules of Civil Procedure.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Civil Procedure will hold a one-day meeting. The meeting will be

open to public observation but not participation.

**DATES:** March 12, 2001.

8:30 a.m. to 5 p.m.

**ADDRESSES:** Thurgood Marshall Federal Judiciary Building, Judicial Conference Center, One Columbus Circle, NE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: February 13, 2001.

**John K. Rabiej,**

*Chief, Rules Committee Support Office.*

[FR Doc. 01-4264 Filed 2-20-01; 8:45 am]

**BILLING CODE 2210-55-M**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP (OJP)-1303]

#### Meeting of the Global Justice Information Network Advisory Committee

**AGENCY:** Office of Justice Programs, Bureau of Justice Assistance, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** Announcement of a meeting of the Global Justice Information Network Advisory Committee to discuss the Global Initiative, as described in Initiative A07 "Access America: Re-Engineering Through Information Technology."

**DATES:** The meeting will take place on Thursday, March 15, 2001, from 9 a.m. to 5 p.m. ET.

**ADDRESSES:** The meeting will take place at the Department of Justice, Office of Justice Programs, 3rd floor Ballroom, 810 7th Street, NW., Washington, DC, 20531; Phone: (202) 616-6500. All attendees will be required to sign in at the security desk, so please allow extra time.

**FOR FURTHER INFORMATION CONTACT:** To register to attend the meeting, please contact Karen Sublett, Global Network Coordinator, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW., Fourth Floor, Washington, DC 20531; Phone: (202) 616-3463. (This is not a toll-free number). Anyone requiring special accommodations should contact Ms. Sublett at least seven (7) days in advance of the meeting. Due to security measures in the building, members of the public who wish to attend the meeting must register with Ms. Sublett

at least (7) days in advance of the meeting.

#### SUPPLEMENTARY INFORMATION

##### Authority

The Global Justice Information Network Advisory Committee was established pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended.

##### Purpose

The Global Justice Information Network Advisory Committee (GAC) will act as the focal point for justice information systems integration activities in order to facilitate the coordination of technical, funding, and legislative strategies in support of the Administration's justice priorities.

The GAC will guide and monitor the development of the Global concept. It will advise the Attorney General, the President (through the Attorney General), and local, state, tribal, and federal policymakers in the executive, legislative, and judicial branches and advocate for strategies for accomplishing a Global Network capability.

The Committee will meet to address the Global Initiative, as described in Initiative A07 "Access America: Re-Engineering Through Information Technology." This meeting will be open to the public, and registrations will then be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the Designated Federal Employee (DFE). Further information about this meeting can be obtained from Karen Sublett, DFE, at (202) 616-3463.

Dated: February 14, 2001.

**Karen Sublett,**

*Global Network Coordinator, Office of the Assistant Attorney General (BJA), Office of Justice Programs.*

[FR Doc. 01-4189 Filed 2-20-01; 8:45 am]

**BILLING CODE 4410-18-P**

## NATIONAL SCIENCE FOUNDATION

### Committee Management; Notice of Establishment

The Deputy Director of the National Science Foundation has determined that the establishment of the Advisory Committee for Cyberinfrastructure is necessary and in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF), by 42 USC

1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

*Name of Committee:* Advisory Committee for Cyberinfrastructure.

*Nature/Purpose:* The Advisory Committee will be strictly advisory and will prepare a report to the National Science Foundation concerning the broad topic of advanced cyberinfrastructure and the existing Partnerships for Advanced Computational Infrastructure.

*Responsible NSF Official:* Dr. Ruzena Bajcsy, Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Boulevard, Suite 1105, Arlington, VA 22230. Telephone: (703) 292-8900.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4159 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Chemical and Transport Systems (1190).

*Date and Time:* March 25, 2001; 1 p.m. to 6 p.m.

*Place:* Oakland Marriott City Center, 1001 Broadway, Oakland, CA 94067 (510) 451-4000.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Farley Fisher, Program Director, Division of Chemical & Transport Systems, Room 525, (703) 292-8371.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate nominations for the FY 2001 Research Equipment Panel of proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4166 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Computer-Communications Research; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Computer-Communications Research (1192).  
*Date/Time:* February 22-23, 2001; 8:30 a.m.-6 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA Telephone: (703) 292-8912.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as a part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

*Reason for Late Notice:* Conflicting schedules of members and the necessity to proceed with the review of the proposals.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4164 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Computer-Communications Research; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Computer-Communications Research (1192).  
*Date/Time:* March 1-2, 2001; 8:30 a.m.-6 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292-8912.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as a part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4165 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Advisory Panel for Development Mechanisms; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name:* Advisory Panel for Development Mechanisms (1141).

*Date and Time:* April 18-19, 2001, 8:30 a.m.-6 p.m. and April 20, 2001, 8:30 a.m.-5 p.m.

*Place:* NSF, Room 360, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* part-open.

*Contact Persons:* Dr. Judith Plesset and Dr. Susan Singer, Program Directors, Developmental Mechanism, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292-8417.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Minutes:* May be obtained from the contact person listed above.

*Agenda: Open Session:* April 20th, 2001; 10 a.m. to 11 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Biology and Neuroscience with Dr. Mary Clutter, Assistant Director, Directorate for Biological Sciences.

*Closed Session:* April 18th, 2001, 8:30 a.m. to 6 p.m.; April 19th, 2001, 8:30 a.m. to 6 p.m.; April 20th, 2001, 8:30 a.m. to 10 and 11 a.m. to 5 p.m. To review and evaluate the Development Mechanisms proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4167 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Proposal Review Panel in Earth Sciences; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Proposed Review Panel in Earth Sciences (1569).

*Date and Time:* March 12, 2001; 8:30 a.m.-5 p.m.

*Place:* National Science Foundation, 4121 Wilson Blvd., Arlington, VA Room II-595.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Leonard E. Johnson, Program Director, Continental Dynamics Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-8559.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Continental Dynamics proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-4160 Filed 2-20-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Advisory Committee for Engineering; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Engineering (1170).

*Date & Time:* March 12th, 13th, and 14th, 2001 8 a.m.-5 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd, Arlington, VA.

*Type of Meeting:* Part-Open (see Agenda below).

*Contact Person:* Dr. William S. Butcher, National Science Foundation, Room 585N, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-5344.

*Purpose of Meeting:* To carry out Committee of Visitors (COV) review for the Division of Engineering Education and Centers and GPRA assessments.

**Agenda**

*Closed:* March 12th 8 a.m.–5 p.m. Review the merit review processes covering funding decisions made during the immediately preceding three fiscal years.

*Open:* March 13th and 14th 8 a.m.–5 p.m. Assess the results of NSF program investments; including a discussion and review of the results focused on NSF and grantee outputs and related outcomes achieved or realized during the preceding three fiscal years.

*Reason for Closing:* During the closed session, the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–4162 Filed 2–20–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Mathematical Sciences; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Mathematical Sciences (1204).

*Date/Time:* March 22–24, 2001, 7:30 a.m.–5 p.m.

*Place:* Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Persons:* Drs. Sidney A. Coon, (703) 292–7382, Brent B. Gordon, (703) 292–4877, and Henry A. Warchall, (703) 292–4861, Program Directors, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals concerning the Mathematical Sciences and Physics Programs, as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–4161 Filed 2–20–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Mathematical Sciences; Notice of Meeting**

In accordance with the federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis in Mathematical Sciences (1204).

*Date and Time:* March 26–28, 8:30 A.M. until 5 P.M.

*Place:* Room 120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Lloyd E. Douglas, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 292–4862.

*Purpose of Meeting:* To provide advice and recommendations concerning proposal submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals concerning the Interdisciplinary Grants in the Mathematical Science Panel as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 14, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–4163 Filed 2–20–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NUCLEAR REGULATORY COMMISSION****Sunshine Act Meeting; Notice**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission

**DATE:** Weeks of February 19, 26, March 5, 12, 19, 26, 2001.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of February 19, 2001*

Tuesday, February 20, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Briefing on Spent Fuel Pool Accident Risk at Decommissioning Plants and Rulemaking Initiatives (Public Meeting) (Contact: George Hubbard, 301–415–2870)

This meeting will be webcast live at the Web address—[www.nrc.gov/live.html](http://www.nrc.gov/live.html).

*Week of February 26, 2001—Tentative*

Monday, February 26, 2001

2 p.m.—Meeting with the National Association of Regulatory Utility Commissioners (NARUC) (Public Meeting) (Contact: Spiros Droggitis, 301–415–2367)

This meeting will be webcast live at the Web address—[www.nrc.gov/live.html](http://www.nrc.gov/live.html).

Tuesday, February 27, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Briefing on Threat Environment Assessment (Closed—Ex. 1)

*Week of March 5, 2001—Tentative*

There are no meetings scheduled for the Week of March 5, 2001.

*Week of March 12, 2001—Tentative*

Monday, March 12, 2001

1:25 p.m.—Affirmation Session (Public Meeting) (If needed)

1:30 p.m.—Discussion of Management Issues (Closed-Ex. 2)

*Week of March 19, 2001—Tentative*

Thursday, March 22, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—[www.nrc.gov/live.html](http://www.nrc.gov/live.html).

*Week of March 26, 2001—Tentative*

There are no meetings scheduled for the Week of March 26, 2001.

\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

\* \* \* \* \*

**Additional Information:**

By a vote of 5–0 on February 12, the Commission determined pursuant to

U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22; Certified Review of LBP-01-03" be held on February 14, and on less than one week's notice to the public.

By a vote of 5-0 on February 14, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Carolina Power & Light Company (Shearon Harris Nuclear Power Plant); Orange County's Petition for Review and Request for Immediate Suspension and Stay of the NRC Staff's 'No Significant Hazards Consideration' Determination and Issuance of License Amendment for Shearon Harris Spent Fuel Pool Expansion" be held on February 14, and on less than one week's notice to the public.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: February 15, 2001.

**Sandra M. Joosten,**

*Executive Assistant, Office of the Secretary.*

[FR Doc. 01-4369 Filed 2-16-01; 10:29 am]

BILLING CODE 7590-01-M

## NUCLEAR REGULATORY COMMISSION

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and

make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 29, 2001, through February 9, 2001. The last biweekly notice was published on February 7, 2001.

#### Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Room O-1F15, Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By March 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, 11555 Rockville Pike, Room O-1F15, Rockville, Maryland, and electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment

and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rules and Adjudications Branch, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike, Room O-1F15, Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

*AmerGen Energy Company, LLC, Docket No. 50-289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania*

*Date of amendment request:* January 15, 2001.

*Description of amendment request:* The proposed amendment revises the Technical Specification (TS) Design Features Section 5.4.2(f), "Spent Fuel Storage," to remove the existing TS fuel assembly U<sup>235</sup> loading criterion for fuel assemblies stored in the spent fuel storage pool.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change has no effect on the normal operating, design basis accident, or transient analyses applicable to the TMI [Three Mile Island] Unit 1 fuel storage requirements. Other existing TMI Unit 1 Technical Specification provisions ensure sub-criticality for normal and postulated accident conditions.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. Fuel assembly U<sup>235</sup> loading is not an initial condition of a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. Discussion of fuel assembly U<sup>235</sup> loading in the TMI Unit 1 UFSAR [Updated Final Safety Analysis Report] ensures that changes to fuel designs that increase fuel reactivity relative to design assumptions for fuel storage are evaluated in accordance with the requirements of 10 CFR 50.59.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety. The proposed change does not affect existing TMI Unit 1 Technical Specification requirements controlling maximum fuel enrichment, allowable enrichment vs. burnup, soluble boron requirements, storage rack spacing, allowable rack locations for fuel assembly storage or sub-criticality requirements for normal and accident conditions. These existing Technical Specification requirements ensure that the current margin of safety is not reduced. The fuel assembly U<sup>235</sup> loading criterion does not represent an input parameter or limiting design condition for any supporting design basis analyses applicable to the TMI Unit 1 spent fuel storage requirements.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Edward J. Cullen, Jr., Esq., PECO Energy Company, 2301 Market Street, S23-1, Philadelphia, PA 19103.

*NRC Section Chief:* Marsha Gamberoni.

*Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant (BSEP), Units 1 and 2, Brunswick County, North Carolina*

*Date of amendment request:* January 17, 2001.

*Description of amendment request:* The proposed amendments would relax Surveillance Requirement 3.6.1.3.7 by allowing a "representative sample" of excess flow check valves to be tested every 24 months, such that each excess flow check valve will be tested at least once every 10 years.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The current surveillance requirement frequency requires each reactor instrumentation line excess flow check valve to be tested every 24 months. The excess flow check valves at BSEP are designed to close automatically in the event of a line break downstream of the valve. The proposed change allows a reduction in the number of excess flow check valves to be tested every 24 months to approximately 20 percent of the valves each operating cycle. Industry operating experience demonstrates a high level of reliability for these excess flow check valves. A failure of an excess flow check valve to isolate cannot initiate previously evaluated accidents. Therefore, there is no increase in the probability of occurrence of an accident as a result of this proposed change. The postulated failure of an excess flow check valve to isolate is bounded by the limiting analysis in the Updated Final Safety Analysis Report (UFSAR). For a postulated break of an instrument line upstream of an excess flow check valve, leakage from the line rupture would be minimized by the line size or the flow-restricting orifice in the line. The rate and quantity of process fluid loss from an instrument line rupture is well within the capability of the reactor coolant make-up systems. The proposed change does not alter the design of the plants' instrument lines in any manner, and the integrity and functional performance of the secondary containment and Standby Gas Treatment system are not affected by this proposed change. The potential offsite radiological exposure associated with a postulated instrument line rupture upstream of an excess flow check valve is bounded by the main steam line break analysis and is substantially below the guidelines of 10 CFR 100. Therefore, the proposed license amendments do not involve a significant increase in the consequences of an accident previously evaluated.

2. The proposed license amendments will not create the possibility of a new or different

kind of accident from any accident previously evaluated.

The proposed change allows a reduced number of excess flow check valves to be tested each operating cycle. No other change in requirements are being proposed. Industry operating experience demonstrates the high reliability of the excess flow check valves. The potential failure of an excess flow check valve to isolate is bounded by the main steam line break analysis. The proposed license amendments do not physically alter the plants and will not alter the operation of the structures, systems, and components described in the UFSAR. Therefore, a new or different kind of accident will not be created.

3. The proposed license amendments do not involve a significant reduction in a margin of safety.

Industry experience with excess flow check valves indicates that they have very low failure rates. The postulated failure of an excess flow check valve to isolate as a result of reduced testing is bounded by the limiting analysis in the UFSAR, which is the main steam line break analysis. For a postulated break of an instrument line upstream of an excess flow check valve, leakage from the line rupture would be minimized by the line size or the flow-restricting orifice in the line. The rate and quantity of process fluid loss from an instrument line rupture is well within the capability of the reactor coolant make-up systems. The proposed change does not alter the design of the plants' instrument line design in any manner, and the integrity and functional performance of the secondary containment and standby gas treatment system are not affected by this proposed change. Therefore, the proposed license amendments do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

*NRC Section Chief:* Richard P. Correia.

*Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois*

*Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois*

*Date of amendment request:* October 24, 2000.

*Description of amendment request:* The proposed amendment would revise the technical specifications to change the Westinghouse references for Best Estimate Large Break Loss of Coolant

Accident (LOCA) analysis methodology. Reanalysis of large break LOCA transients, utilizing the NRC approved Westinghouse Best Estimate LOCA model WCOBRA/TRAC, was performed to demonstrate that 10 CFR 50.46 acceptance criteria are satisfied at uprated power conditions.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No physical plant changes are being made as a result of using the Westinghouse Best Estimate Large Break LOCA analysis methodology. The proposed TS changes simply involve updating the references in TS 5.6.5.b, "Core Operating Limits Report (COLR)," to reference the Westinghouse Best Estimate Large Break LOCA analysis methodology (i.e., Westinghouse topical report, WCAP-12945-P-A, Volume 1, Revision 2, and Volumes 2 through 5, Revision 1, "Code Qualification Document for Best Estimate LOCA Analysis," March 1998). The plant conditions assumed in the analysis are bounded by the design conditions for all equipment in the plant; therefore, there will be no increase in the probability of a LOCA. The consequences of a LOCA are not being increased, since the analysis has shown that the Emergency Core Cooling System (ECCS) is designed such that its calculated cooling performance conforms to the criteria contained in 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors." Furthermore, the re-performance of the Large Break LOCA analysis has no effect on the performance of the ECCS equipment. No other accident consequence is potentially affected by this change.

All systems will continue to be operated in accordance with current design requirements under the new analysis, therefore no new components or system interactions have been identified that could lead to an increase in the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR). No changes were required to the Reactor Protection System (RPS) or Engineered Safety Features (ESF) setpoints because of the new analysis methodology.

Based on the analysis, it is concluded that the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

There are no physical changes being made to the plant as a result of using the Westinghouse Best Estimate Large Break LOCA analysis methodology. No new modes of plant operation are being introduced. The



configuration, operation and accident response of the Byron Station and the Braidwood Station systems, structures or components are unchanged by utilization of the new analysis methodology. Analyses of transient events have confirmed that no transient event results in a new sequence of events that could lead to a new accident scenario. The parameters assumed in the analysis are within the design limits of existing plant equipment.

In addition, employing the Westinghouse Best Estimate Large Break LOCA analysis methodology does not create any new failure modes that could lead to a different kind of accident. The design of all systems remains unchanged and no new equipment or systems have been installed which could potentially introduce new failure modes or accident sequences. No changes have been made to any RPS or ESF actuation setpoints.

Based on this review, it is concluded that no new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of Safety?

It has been shown that the analytic technique used in the Westinghouse Best Estimate Large Break LOCA analysis methodology realistically describes the expected behavior of the Byron Station and Braidwood Station reactor system during a postulated LOCA. Uncertainties have been accounted for as required by 10 CFR 50.46. A sufficient number of LOCAs with different break sizes, different locations, and other variations in properties have been considered to provide assurance that the most severe postulated LOCAs have been evaluated. The analysis has demonstrated that there is a high probability that all acceptance criteria contained in 10 CFR 50.46, paragraph b, continues to be satisfied. Based on this review, the proposed TS changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Attorney for licensee:* Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767

*NRC Section Chief:* Anthony J. Mendiola.

*Commonwealth Edison Company,  
Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois*

*Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois*

*Date of amendment request:*  
November 7, 2000.

*Description of amendment request:*  
The proposed amendment would revise the technical specifications to extend the TS Surveillance Test Interval (STI) from a 92-day STI to an 18-month STI, for the Solid State Protection System (SSPS) slave relay types that meet the acceptance criteria for the reliability assessments performed in accordance with the methodology described in the NRC approved Westinghouse Electric Corporation Topical Reports.

*Basis for proposed no significant hazards consideration determination:*  
As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes are consistent with the NRC approved Westinghouse Electric Corporation Topical Reports, WCAP-13877, "Reliability Assessment of Westinghouse Type AR Relays Used as SSPS Slave Relays," WCAP-13878, "Reliability Assessment of Potter & Brumfield MDR Series Relays," and WCAP-13900, "Extension of Slave Relay Surveillance Testing Intervals," that analyze extending the Solid State Protection System (SSPS) slave relay surveillance test interval (STI) for the Westinghouse Type AR slave relays and for the Potter & Brumfield MDR Series slave relays. The reliability assessment of the slave relays was comprised of a failure modes and effects analysis (FMEA) and an aging assessment of the slave relays. WCAP-13877 and WCAP-13878 verified that the Westinghouse Type AR and the Potter & Brumfield MDR Series slave relays are highly reliable and that degradation of the slave relays is sufficiently slow (i.e., the time to failure due to degradation is sufficiently long) that an 18-month STI will adequately identify slave relay failures. A 92-day STI is no more likely to detect significant changes in the SSPS slave relays than an 18-month STI. The results demonstrate that extending the SSPS slave relay STI from 92 days to 18 months does not adversely affect the reliability of the SSPS slave relays utilized in Engineered Safety Features Actuation System (ESFAS) functions.

The high reliability of these slave relays precludes the need for more frequent periodic surveillance testing to verify operability.

As stated in WCAP-13877 and WCAP-13878, the overly conservative 92-day STI can be extended to an 18-month STI without

impact or consequence to slave relay reliability. In addition, the proposed changes will not adversely affect the ability of the SSPS to perform its safety function. The same ESFAS instrumentation is being used and the ESFAS reliability is being maintained with the proposed changes. Because the reliability of the slave relays used in the ESFAS applications is so high, elimination of the routine surveillance testing of the slave relays when the reactor is at power will have a positive impact on ESFAS availability and plant safety. The proposed changes will not modify any system interface and will not increase the likelihood of any accident initiator because such events are independent of the proposed changes. Therefore, the probability of an accident previously evaluated is not increased.

The proposed changes will not modify, degrade, or prevent actions or alter any assumptions previously made in evaluating the radiological consequences of any accident described in the Updated Final Safety Analysis Report (UFSAR). The ESFAS instrumentation remains capable of performing its intended safety function of mitigation of consequences of accidents or transients. Therefore, the consequences of an accident previously evaluated are not increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

The proposed changes do not alter the performance of the ESFAS. The proposed changes only extend the STI, and no changes to the testing methodology or the way in which the slave relays are tested are being proposed. No new equipment is being installed, and no installed equipment is being operated in a new or different manner with the proposed changes. Extending the STI will maintain the reliability of the slave relays as demonstrated by the NRC approved FMEA and aging assessment, and may improve the reliability of the system by reducing potential test-induced degradation. As documented in WCAP-13877 and WCAP-13878, an STI of 92 days is no more likely to detect significant changes in the SSPS Type AR and MDR Series slave relays than a STI of 18 months.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed changes do not affect the total ESFAS response assumed in the safety analysis. The periodic slave relay functional verification is relaxed because of the demonstrated high reliability of the slave relays and their insensitivity to any short-term wear or aging effects. The Westinghouse Owners Group (WOG) program to extend the STI for the slave relays, as documented in the NRC approved WCAP-13877 and WCAP-13878, has concluded that the slave relays used in the SSPS are highly reliable and that the surveillance testing at a frequency of 18

months, instead of the 92-day STI currently required, does not significantly decrease any margin of safety assumed in the safety analysis. Plant safety will be improved by limiting the amount of on-line testing that will be performed, because on-line testing of the slave relays results in the removal of a train of equipment from service or manipulation of specific safety-related equipment which is then no longer able to perform its safety function if called upon until the surveillance test is completed. The proposed changes also act to improve plant safety by reducing equipment degradation and reducing unnecessary burden on the operating personnel. There are no changes in testing methodology or performance criteria.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.929(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Attorney for licensee:* Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60609-0767.

*NRC Section Chief:* Anthony J. Mendiola.

*Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois*

*Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois*

*Date of amendment request:* November 13, 2000.

*Description of amendment request:* The proposed amendment would revise the technical specifications to delete the "Power Range Neutron Flux High Negative Rate," Trip Function from Reactor Trip System Instrumentation. The proposed change allows elimination of this unnecessary function and thereby reduces the potential for a transient. The proposed changes are consistent with the Westinghouse Topical report previously accepted by the NRC.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The removal of the Power Range Neutron Flux High Negative Rate Trip (i.e., Negative Flux Rate Trip (NFRT)) Function does not increase the probability or consequences of reactor core damage accidents resulting from dropper Rod Cluster Control Assembly (RCCA) events previously analyzed. The safety functions of other safety related systems and components, which are related to mitigation of these events, have not been altered. All other primary Reactor Trip System (RTS) and Engineered Safety Features Actuation Systems (ESFAS) protection functions are not impacted by the elimination of the NFRT Function. The NFRT circuitry detects and responds to negative reactivity insertion due to RCCA misoperation events should they occur. Therefore, the NFRT Function is not assumed in the initiation of such events. Because the NFRT Function is being eliminated from the plant, it can no longer actuate and cause a transient. The consequences of accidents previously evaluated in the Updated Final Safety Analysis Report (UFSAR) are unaffected by the proposed changes because no change to any equipment response or accident mitigation scenario has resulted.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind accident from any accident previously evaluated?

The deletion of the NFRT Function does not create the possibility of a new or different kind of accident than any accident previously evaluated in the UFSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. The proposed changes do not challenge the performance or integrity of any safety related systems. It has been demonstrated that the NFRT Function can be eliminated by the NRC approved methodology described in Westinghouse Topical Report WCAP-11394-P-A, "Methodology for the Analysis of the Dropped Rod Event," dated January 1990. The Braidwood Station and the Byron Station cycle-specific analyses have confirmed that for a dropped RCCA(s) event, no direct reactor trip or automatic power reduction is required to meet the Departure From Nucleate Boiling (DNB) limits for this Condition II, "Faults of Moderate Frequency," event. The NFRT Function is not credited either as a primary or backup mitigation feature for any other UFSAR event. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The margin of safety associated with the licensing basis acceptance criteria for any postulated accident is unchanged. It has been demonstrated that the NFRT Function can be eliminated by the NRC approved methodology described in WCAP 11394-P-A. The Braidwood Station and the Byron Station cycle-specific analyses have confirmed that for a dropped RCCA(s) event, DNB limits are not exceeded with the

proposed changes. Conformance to our licensing basis acceptance criteria for Design Basis Accidents (DBAs) and transients with the deletion of the NFRT Function is demonstrated, and DNB limits are not exceeded. The proposed changes will have no adverse effect on the availability, operability, or performance of the safety related systems and components assumed to actuate in the event of a DBA or transient. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Attorney for licensee:* Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60609-0767.

*NRC Section Chief:* Anthony J. Mendiola.

*Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois*

*Date of amendment request:* February 29, 2000.

*Description of amendment request:* The proposed amendment would reduce the number of safety valves required for overpressure protection at Dresden, Unit 2, by removing from Technical Specifications (TS) Section 3.6.E, the safety valve function of the Target Rock safety/relief valve (SRV). The proposed amendment would move the safety valve lift pressure setpoints from TS Section 3.6.E to TS Section 4.6.E, remove the Target Rock SRV setpoints from TS, and change the number of safety valves from nine to eight. The proposed amendment would also remove footnote "c" of Unit 3, TS Section 4.6.E, since this footnote was only applicable to Unit 3, Cycle 15 which has been completed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those

consequences. Limits have been established, consistent with Nuclear Regulatory Commission (NRC) approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. The proposed change to reduce the number of required safety valves from nine (9) to eight (8) does not affect the ability of plant systems to adequately mitigate the consequences of an accident previously evaluated.

This conclusion was derived by evaluating all applicable analyses including thermal limit, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram events, Loss Of Coolant Accident (LOCA), station blackout, and 10 CFR 50, Appendix R analyses. Therefore, there is no increase in the probability or consequences of an accident previously evaluated because the analyses supports operation without crediting the Target Rock Safety Relief Valve safety mode function.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The requested change has been previously evaluated by evaluating all applicable analyses including thermal limit, ASME B&PV pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram events, station blackout, LOCA, and 10 CFR 50, Appendix R analyses. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the analyses support operation without crediting the Target Rock safety relief valve safety function. No new failure modes will be introduced upon implementation of the proposed changes, therefore, the possibility of a new and different accident has not been created.

Does the change involve a significant reduction in a margin of safety?

Changing the required number of safety valves from nine (9) to eight (8) will not involve any reduction in margin of safety. This conclusion was derived by evaluating all existing analyses including thermal limit, ASME B&PV pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram events, station blackout, LOCA, and 10 CFR 50, Appendix R analyses. The analyses previously evaluated remain valid, therefore, a significant reduction in the margin of safety does not exist.

Therefore, based upon the above evaluation, ComEd has concluded that these changes do not constitute a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Attorney for licensee:* Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767.

*NRC Section Chief:* Anthony J. Mendiola.

*Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York*

*Date of amendment request:* February 14, 2000.

*Description of amendment request:* The proposed amendment would revise the Technical Specifications (TSs) to correct various editorial errors and make other administrative changes.

Specifically, the proposed amendment would make administrative changes that revise: (a) Tables 3.6-1 and 4.4-1 to correct listing and editorial errors, (b) TS 3.8.B.10 to reflect the wording in 10 CFR 50.54(m)(2)(iv), (c) Figures 3.10-2 through 3.10-6 to remove these figures, (d) Table 4.1-1 to reflect change in level indication components, (e) TS 4.19.B and 6.14.1.1 to correct editorial errors, (f) TS 6.12.1 to reference the current sections of 10 CFR Part 20, (g) TS 6.12.1 to reflect an organizational title change, and (h) TS 6.13.2 to correct a typographical error.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(a) Changes To Tables 3.6-1 And 4.4-1 To Correct Listing And Editorial Errors

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed changes are administrative in nature. The changes involve correcting errors in Table 3.6-1 and additions to Tables 3.6-1 and 4.4-1 to reflect UFSAR [Updated Final Safety Analysis Report] Table 5.2-1 and the IST [inservice testing] Program. These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed changes would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes are administrative in nature. The safety analysis of the facility remains complete and accurate.

There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed changes. Therefore, the proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes are administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

(b) Change To Section 3.8.B.10 To Reflect The Wording In 10 CFR 50.54(m)(2)(iv)

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 3.8.B.10 to reflect 10 CFR 50.54(m)(2)(iv). This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(c) Deletion Of Figures 3.10-2 Through 3.10-6

(1) Does the proposed license amendment involve a significant increase in the

probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves the deletion of Figures 3.10-2, 3.10-3, 3.10-4, 3.10-5 and 3.10-6. This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(d) Change To Table 4.1-1 To Reflect Change In Level Indication Components

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. This change does not affect possible initiating events for accidents previously evaluated or operation of the facility. While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of these sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR [control room]). The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The safety analysis of the facility remains complete and accurate. The plant conditions for which the design basis accidents have been evaluated are still valid.

While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of these [sic] sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR). Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. While the configuration of the facility has changed with installation of the new level sensors, the safety-related function of these sensors remains unchanged (i.e., at a predetermined level of approximately 35% of instrument span, a low level alarm will annunciate in the CCR). Also, there are no changes to the operation of the facility. Thus the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(e) Change To Sections 4.19.B And 6.14.1.1 To Correct Editorial Errors

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed changes are administrative in nature. The change in Sections 4.19.B and 6.14.1.1 involve amending "the Semiannual Radioactive Effluent Release Report" to "the Annual Radioactive Effluent Release Report." These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed changes would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes are administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes are administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis,

accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

(f) Change To Section 6.12.1 To Reference The Current Sections Of 10 CFR [Part] 20

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.12.1 to reference 10 CFR 20.1601(a) and 10 CFR 20.1601(b). This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(g) Change To Section 6.12.1 To Reflect An Organizational Title Change

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.12.1 to use the title "Shift Manager" instead of "Senior Watch Supervisor." This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of

accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(h) Change To Section 6.13.2 To Correct A Typographical Error

(1) Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

No. The proposed change is administrative in nature. The change involves updating Section 6.13.2 from "DOR [Division of Operating Reactors] Guidelines of NUREG-0588" to "DOR Guidelines or NUREG-0588." This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed change is administrative in nature. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the

proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

*NRC Section Chief:* Marsha Gamberoni.

*Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York*

*Date of amendment request:* December 11, 2000.

*Description of amendment request:* The proposed amendment would revise the Technical Specifications (TSs) to provide editorial revisions, clarifications, and corrections.

Specifically, the proposed amendment would: (1) Provide updated information and corrections to the TS cover page, table of contents, and list of figures, (2) revise TS 4.5.E, "Control Room Air Filtration System," to remove an incorrect system test description and provide consistent test values for system flow rate and filter efficiency, (3) revise TS 6.2.1.a, "Facility Management and Technical Support," to reference the Quality Assurance Program Description as the location of the documentation rather than the Updated Final Safety Analysis Report, (4) revise TS 6.9.1.7, "Monthly Operating Report," to change the recipient of the Monthly Operating Report, and (5) correct the periodicity of the Radioactive Effluent Release Report from annual to semiannual in TS 6.15, "Offsite Dose Calculation Manual" and TS 6.16, "Major Changes to Radioactive Liquid, Gaseous and Solid Waste Systems." In addition, the proposed change revises TS Figure 5.1-1B concerning the indicated vent location associated with Indian Point Unit 3 (IP3). The labels for the plant vent and the machine shop are reversed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or [ \* \* \* ] consequences of an accident previously evaluated?

The proposed changes consist of editorial changes, administrative changes,

clarifications, and corrections to existing TSs. These changes do not involve a change to the design or operation of any plant system nor are any of the safety analyses affected as a result of these changes. Accordingly, the initiators of any accident as well as any system relied upon for the mitigation of an accident are not affected by the proposed changes. Therefore, there is no increase in the probability or in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve a change to the design or operation of any plant system. These changes include editorial changes, administrative changes, clarifications, and corrections of existing TSs and, therefore, do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed changes consist of editorial changes, administrative changes, and clarifications to existing TSs and do not involve changes to any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

*NRC Section Chief:* Marsha Gamberoni.

*Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana*

*Date of amendment request:* January 8, 2001.

*Description of amendment request:* The proposed change revises the lower limit of the allowable containment internal pressure in Technical Specification (TS) 3.6.1.4, "Containment Systems—Internal Pressure," from 14.375 pounds per square inch, absolute (psia) to 14.275 psia.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will the operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: The proposed change revises the lower limit of the allowable containment internal pressure in TS 3.6.1.4 from 14.375 to 14.275 psia. This change will allow

additional operating margin for the containment atmosphere purge (CAP) system during conditions of low atmospheric pressure. The containment minimum pressure parameter is not an accident initiator and does not affect the probability of any initiating event scenario. Although the TSs will allow a lower initial containment internal pressure, the current analyses for the associated design events are not affected since the lower pressure has already been conservatively included. The proposed change in initial containment internal pressure is bounded in the current design. Therefore, this proposed change does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Will the operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: The proposed change affects the TS allowed lower limit on containment internal pressure and consequently the atmospheric range in which the CAP system can be operated. The change in the lower limit on containment internal pressure is encompassed by current design analyses and does not result in a change of analyzed conditions or analyzed operating ranges.

Based on the proposed TS change, CAP system operation will be allowed at a lower atmospheric pressure. This change does not change the function of the system or its method of operation. Although the initial atmospheric pressure at which the CAP system can be initiated is being lowered, this is within the current design of the CAP system and does not change the differential pressures at which it will be operated.

Therefore, the proposed change[d] does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will the operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: The proposed change makes use of the initial containment pressure assumption values used in the current analyses to provide additional operating margin for the CAP system. The margin of safety that was inherent in the results of these safety analyses has been preserved. The associated analyses ensure the negative pressure differential associated with an inadvertent actuation of the containment spray system is acceptable, and ensure that the emergency core cooling system can satisfy its design safety function under worst case conditions. The calculated maximum differential pressure is 0.49 psid [pounds per square inch differential] which is within the design limit of 0.65 psid. The peak clad temperature for the worst case large break loss of coolant accident is 2177°F which is within the acceptance criteria given in 10CFR50.46. Since the proposed change does not affect the initial containment pressure utilized in these analyses, the results of the analyses are unchanged. Therefore, there is no effect on any margin of safety associated with this parameter.

Based on the above No Significant Hazards Consideration Determination, it is concluded that: (1) The proposed change does not constitute a significant hazards consideration as defined by 10CFR50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC final environmental statement.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005-3502.

*NRC Section Chief:* Robert A. Gramm.

*Exelon Generation Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois*

*Date of amendment request:* September 1, 2000.

*Description of amendment request:* The proposed amendments would revise the technical specifications to add a new requirement for the Main Steam Line Radiation Monitor mechanical vacuum pump trip function.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

The addition of the MSLRM [Main Steam Line Radiation Monitor] automatic trip signal to the MVP [mechanical vacuum pump] has no adverse effect on safety. The addition of Surveillance Requirements (SRs) and the Limiting Condition for Operation (LCO) to our TS enhances current safety features of the plant by establishing controls for a required, and currently functional, safety feature. The automatic trip function of the MVP does not serve as an initiator for any accidents evaluated in Chapter 15, "Accident and Transient Analysis," of the Updated Final Safety Analysis Report. Therefore, this change will not result in an increase of either the probability or consequences of an accident.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

These proposed changes involve the addition of the MVP trip input from the Main Steam Line Tunnel High Radiation signal.

The addition of this function does not represent a change in operating parameters or equipment configuration for DNPS [Dresden Nuclear Power Station], Units 2 and 3. Operation of DNPS, Units 2 and 3, under the proposed changes does not create the possibility of a new or different type of accident previously evaluated.

Does the change involve a significant reduction in a margin of safety?

These proposed changes create a TS LCO and identify SRs for the MVP trip input from the MSLRM signal. Operation under the proposed change will not change any plant operation parameters, nor any protective system setpoints. The calculations of off site dose demonstrate that with the MVP trip instrumentation operating properly, the doses that result from a CRDA [control rod drop accident] with the MVP operating are well within 10 CFR Part 100, "Reactor Site Criteria," limits. [Therefore, the proposed change does not involve a significant reduction in the margin of safety.]

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Attorney for licensee:* Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767.

*NRC Section Chief:* Anthony J. Mendiola.

*Exelon Generating Company, LLC (Exelon), Docket No. 50-353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania*

*Date of amendment request:* November 20, 2000.

*Description of amendment request:* PECO Energy Company (PECO) proposed changes to the Technical Specifications (TSs) that would revise the heatup, cooldown, and inservice test Pressure-Temperature (P-T) limitations (TS Figure 3.4.6.1-1) of the Limerick Generating Station (LGS), Unit 2, Reactor Pressure Vessel (RPV) to a maximum of 32 Effective Full Power Years (EFPY). In addition, the licensee proposed text changes to both Limiting Condition for Operation 3.4.6.1 and Surveillance Requirement 4.4.6.1.1 to delete the reference to the A' curve on TS Figure 3.4.6.1-1 since this curve will not be included in the proposed Figure 3.4.6.1-1. The licensee also proposed adding an intermediate hydrotest curve (Curve A<sub>22</sub>) to TS Figure 3.4.6.1-1, which is valid to 22 EFPY. By letter dated January 30, 2001, Exelon stated that it has assumed responsibility, as of the date of the transfer, for the active items on the Limerick Units 1 and 2



dockets previously submitted by PECO, including the subject amendment request.

Moreover, Exelon is revising its TS Bases Section B 3/4.4.6 to update several RPV material chemistry parameters. The licensee identified the need for these revisions during a Certified Material Test Report data search performed by General Electric Company during development of the proposed P-T curves.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no physical changes to the plant being introduced by the proposed changes to the P-T curves. The proposed changes do not modify the reactor coolant pressure boundary, i.e., there are no changes in operating pressure, materials or seismic loading. The proposed changes do not adversely affect the integrity of the reactor coolant pressure boundary such that its function in the control of radiological consequences is affected. The proposed P-T curves were generated in accordance with the fracture toughness requirements of 10 CFR 50, Appendix G, and American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, Section XI, Appendix G, in conjunction with ASME Code Case N-640. The proposed P-T curves were established in compliance with the methodology used to calculate the predicted irradiation effects on vessel beltline materials. Usage of these procedures provides compliance with the intent of 10 CFR 50, Appendix G, and provides margins of safety that ensure that failure of the reactor vessel will not occur. The proposed P-T curves prohibit operational conditions in which brittle fracture of reactor vessel materials is possible. Consequently, the primary coolant pressure boundary integrity will be maintained. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the P-T curves were generated in accordance with the fracture toughness requirements of 10 CFR 50, Appendix G, and ASME B&PV Code, Section XI, Appendix G, in conjunction with ASME Code Case N-640. Compliance with the proposed P-T curves will ensure that conditions in which brittle fracture of primary coolant pressure boundary materials are possible will be avoided. No new modes

of operation are introduced by the proposed changes. The proposed changes will not create any new failure mode from previously evaluated accidents. Further, the proposed changes to the P-T curves do not affect any activities or equipment, and are not assumed in any safety analysis to initiate nor mitigate any accident sequence. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes reflect an update of the P-T curves to extend the reactor pressure vessel operating limit to 32 Effective Full Power Years (EFPY). The revised curves are based on the latest ASME guidance. The revised P-T limits, which provide more operational flexibility than the current limits, were established in accordance with current regulations and the latest ASME Code information. No plant safety limits, set points, or design parameters are adversely affected by the proposed TS changes. These proposed changes maintain the relative margin of safety commensurate with that which existed at the time that the ASME B&PV Code, Section XI, Appendix G, was approved in 1974.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* J.W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101

*NRC Section Chief:* James W. Clifford.

*Exelon Generation Company, LLC (Exelon), Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania*

*Date of amendment request:* January 18, 2001.

*Description of amendment request:* Exelon requested a Technical Specification (TS) change which will revise Surveillance Requirement (SR) 4.9.2.d.1 to clarify that "shorting links" do not need to be removed, if adequate shutdown margin has been demonstrated, when moving a control rod during Operational Condition 5.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This TS Change Request revises SR 4.9.2.d.1 to clarify that "shorting links" do not need to be removed if adequate shutdown margin has been demonstrated when a control rod is withdrawn during Operational Condition 5. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of Limiting Condition for Operation (LCO) 3.9.2.d, and will improve the readability of the SR for plant operators. This change to SR 4.9.2.d.1 will clarify that "shorting links" can remain installed if adequate shutdown margin has been demonstrated any time a control rod is withdrawn in Operational Condition 5. This revision does not impact any accident or transient events. There are no new initiators created by this revision. Additionally, this revision will not impact any existing analyses or requirements contained in the Updated Final Safety Analysis Report. No changes in the operation of the plant during power operation or refueling will occur as a result of this revision. Therefore, the proposed TS revision does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS revision does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS revision will not impact any physical changes to plant structures, systems, or components. The design, function, and reliability of the Reactor Protection System will not be impacted by this revision. This revision does not adversely impact any equipment which is required for the prevention or mitigation of accidents or transients. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of LCO 3.9.2.d, and will improve the readability of the SR for plant operators. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

This proposed revision to SR 4.9.2.d.1 does not affect any safety limits or analytical limits. There are also no changes to accident or transient core thermal hydraulic conditions, minimum combustible concentration limits, or fuel or reactor coolant boundary design limits, as a result of this proposed change. This revision ensures that the words and intent of the SR 4.9.2.d.1 match the words and intent of LCO 3.9.2.d. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* J. W. Durham, Sr., Esquire, Sr. V.P. and General



Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101.

*NRC Section Chief:* James W. Clifford.  
*Exelon Generation Company, LLC (Exelon), Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania*  
*Date of amendment request:* January 18, 2001.

*Description of amendment request:*  
 Exelon requested a Technical Specification (TS) change which will revise the Units 1 and 2 TS Table 1.2, "Operational Conditions," to allow placing the reactor mode switch to the REFUEL position during Operational Conditions 3 and 4 to accommodate post maintenance and surveillance testing on control rod drives.

*Basis for proposed no significant hazards consideration determination:*  
 As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision allows a single control rod to be withdrawn under control of the reactor mode switch REFUEL position and the one-rod-out interlock in Operational Conditions 3 and 4. This change does not affect any existing accident initiators. There is no change to the coupling integrity of the control rod during this accident. Although this change would allow an increase in the frequency of single control rod withdrawals in Operational Conditions 3 and 4, the probability of the previously analyzed accidents is not affected.

The onsite and offsite radiological consequences of previously analyzed accidents in Operational Conditions 3 and 4 are not affected by this proposed change. This change does not affect any existing accident mitigators. The shutdown margin combined with the refueling interlocks prevent a rod withdrawal error while in refueling thereby preventing inadvertent criticality. There is no impact on the ability of the Reactor Protection System (RPS) circuitry to mitigate a Control Rod Drop Accident as described in the Safety Analysis Report, nor is there an increase in the number of fuel failures from this accident. As a result, the probability and consequences of previously analyzed accidents are not significantly increased.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no new accident initiators created by the proposed revision to Table 1.2. Single control rods can be withdrawn in

Operational Conditions 3 and 4 under the existing Technical Specifications to permit control rod recoupling. The proposed revision would expand this provision to other control rod maintenance and testing activities performed in Operational Conditions 3 and 4. The withdrawal of individual control rods in Operational Conditions 3 and 4 is a mode of operation permitted under limited circumstances by the existing TSs. The additional control rod maintenance and testing activities which could be performed in Operational Conditions 3 and 4, are already permitted by the existing TSs in Operational Conditions 1, 2, 4, and 5.

Based on the above, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

The TSs currently permit single control rod withdrawal for the purpose of control rod recoupling when in Operational Conditions 3 or 4 if the one-rod-out interlock is Operable. This change allows additional activities for which a single control rod may be withdrawn when in Operational Conditions 3 or 4, with the same restriction that the one-rod-out interlock be Operable.

The operability requirements for the one-rod-out interlock and the shutdown margin requirements of TS 3.1.1 ensure the reactor will be maintained subcritical during single control rod withdrawals. Therefore, this change will not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generation Company, 2301 Market Street, Philadelphia, PA 19101.

*NRC Section Chief:* James W. Clifford.

*Exelon Generating Company, LLC (Exelon), Docket No. 50-353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania.*

*Date of amendment request:* February 1, 2001.

*Description of amendment request:*  
 Exelon proposed changes that would revise Technical Specification (TS) 2.1 to incorporate revised Safety Limit Minimum Critical Power Ratios due to the cycle-specific analysis performed by Global Nuclear Fuel for Limerick Generating Station, Unit 2, Cycle 7, which will include the use of the GE-14 fuel product line.

*Basis for proposed no significant hazards consideration determination:*  
 As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The derivation of the cycle specific Safety Limit Minimum Critical Power Ratios (SLMCPRs) for incorporation into the Technical Specifications (TS), and its use to determine cycle specific thermal limits, has been performed using the methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-14 (GESTAR-II), and U.S. Supplement, NEDE-24011-P-A-14-US, June, 2000, which incorporates Amendment 25. Amendment 25 was approved by the NRC [Nuclear Regulatory Commission] in a March 11, 1999 safety evaluation report.

The basis of the SLMCPR calculation is to ensure that greater than 99.9% of all fuel rods in the core avoid transition boiling if the limit is not violated. The new SLMCPRs preserve the existing margin to transition boiling. The GE-14 fuel is in compliance with Amendment 22 to "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-14 (GESTAR-II), and U.S. Supplement, NEDE-24011-P-A-14-US, June, 2000, which provides the fuel licensing acceptance criteria. The probability of fuel damage will not be increased as a result of this change. Therefore, the proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The SLMCPR is a TS numerical value, calculated to ensure that transition boiling does not occur in 99.9% of all fuel rods in the core if the limit is not violated. The new SLMCPRs are calculated using NRC approved methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-14 (GESTAR-II), and U.S. Supplement, NEDE-24011-P-A-14-US, June, 2000, which incorporates Amendment 25. Additionally, the GE-14 fuel is in compliance with Amendment 22 to "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-14 (GESTAR-II), and U.S. Supplement, NEDE-24011-P-A-14-US, June 2000, which provides the fuel licensing acceptance criteria. The SLMCPR is not an accident initiator, and its revision will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

There is no significant reduction in the margin of safety previously approved by the NRC as a result of the proposed change to the SLMCPRs, which includes the use of GE-14 fuel. The new SLMCPRs are calculated using

methodology discussed in "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-14 (GESTAR-II), and U.S. Supplement, NEDE-24011-P-A-14-US, June, 2000, which incorporates Amendment 25. The SLMCPRs ensure that greater than 99.9% of all fuel rods in the core will avoid transition boiling if the limit is not violated when all uncertainties are considered, thereby preserving the fuel cladding integrity. Therefore, the proposed TS change will not involve a significant reduction in the margin of safety previously approved by the NRC.

Based on the staff's review of the licensee's evaluation, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Exelon Generating Company, 2301 Market Street, Philadelphia, PA 19101.

*NRC Section Chief:* James W. Clifford.

*Nuclear Management Company, LLC, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin*

*Date of amendment request:* January 13, 2000.

*Description of amendment request:* The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.6, "Containment." The proposed amendment would add limiting condition for operation and allowed outage times for containment penetrations and associated isolation devices to provide clear guidance. Also, the proposed amendment would provide additional information, clarification, and uniformity to the basis of the associated technical specification.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This Technical Specification [TS] change provides definition for the [Allowable Outage Time] AOT for a containment isolation valve and containment air lock. The original design and design basis of the plant is still maintained and the probability and consequences of previously evaluated accidents is unchanged. In our current Technical Specifications the allowed outage time for a safeguards 480-volt bus is 24 hours. The basis for this outage time states:

"The intent of this TS is to provide assurance that at least one external source

and one standby source of electrical power is always available to accomplish safe shutdown and containment isolation and to operate required engineered safety features equipment following an accident."

With one 480-volt safeguards bus out of service an associated motor operated containment isolation valve is also out of service. Since the 24-hour AOT is part of Kewaunee's original design basis, allowing the containment isolation valves to be out of service for 24 hours does not increase the probability or consequences of an accident previously evaluated.

A risk assessment of the probability of a -loss-of-coolant-accident with a train of containment isolation failing during a 4-hour verse a 24-hour time span was conducted. The probability of [loss-of-coolant accident] LOCA coincident with the failure of containment isolation occurring during a 4-hour period versus a 24-hour period is shown on Figure 1f in licensee's submittal. This change in probability is considered insignificant.

The proposed TS changes do not involve any physical or operational changes to structures, systems or components. The current safety analysis and design basis for the accident mitigation functions of the containment, the airlocks, and the containment isolation valves are maintained. On-site and off-site dose consequences remain unaffected.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The function of the containment vessel is to contain the radiologically hazardous material following a LOCA. By maintaining at least one containment isolation barrier intact the vessel can perform its function. This amendment still ensures that at least one barrier is intact or the leakage is evaluated not to exceed that which is already evaluated and allowed by current technical specification.

The accidents considered are found in the Safety Analysis, Section 14 of the [Updated Safety Analysis Report] USAR. The proposed change does not involve a change to the plant design (structures, systems or components) or operation. No new failure mechanisms beyond those already considered in the current plant Safety Analysis are introduced. No new accident is introduced and no safety-related equipment or safety functions are altered. The proposed change does not affect any of the parameters or conditions that contribute to initiation of any accidents.

3. Involve a significant reduction in a margin of safety.

With one containment barrier intact during plant operation the isolation of containment is still ensured. The plant's original design basis addressed the inability of one of the two containment isolation valves to operate for a 24-hour period. As this AOT has been previously considered, there therefore is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701-1497.  
*NRC Section Chief:* Claudia M. Craig.

*Nuclear Management Company, LLC, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin*

*Date of amendment request:* January 18, 2001.

*Description of amendment request:* The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.10.m for reactor coolant minimum flow from the current value of 85,500 gallons per minute (gpm) to 93,000 gpm due to the replacement of steam generators scheduled for the fall 2001.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The change in Reactor Coolant Minimum Flow value for TS 3.10.m proposed in this amendment request is needed to reflect operating characteristics of the new [Replacement Steam Generators] RSGs. Accident analyses affected by the RSGs have each been evaluated to establish that there is no significant change in the documented results (Attachment 3). These evaluations have shown that the proposed value for Reactor Coolant Minimum Flow is bounded by the Thermal Design Flow value used in the analyses and provides greater margin to safety analysis acceptance criteria (e.g., [Departure from Nucleate Boiling] DNB). All safety analysis acceptance criteria are satisfied. Since Reactor Coolant flow values for the RSG conform to the design bases and are provided by the existing safety analyses, changing the technical specification within limits of the bounding accident analyses will not cause an increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is fully consistent with current plant design bases and does not adversely affect any fission product barrier, nor does it alter the safety function of safety related systems, structures, and components depended upon for accident prevention or mitigation. Thus, it does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

The proposed change does not alter the manner in which Safety Limits, Limiting

Safety System Setpoints, or Limiting Conditions for Operation are determined. It returns TS 3.10.m for Reactor Coolant Minimum Flow to a value slightly higher, thus more conservative, than the value specified for the [Original Steam Generators] OSG when new. It conforms to plant design bases, is consistent with current safety analyses, and limits actual plant operation. Analysis of the effect of the proposed Reactor Coolant Minimum Flow limitation on [Loss-of-Coolant-Accident] LOCA and non-LOCA transients determined that all safety analysis acceptance criteria are satisfied at a [Thermal Design Flow] TDF that bounds the revised Reactor Coolant Minimum Flow and all [Kewaunee Nuclear Power Plant] KNPP safety requirements continue to be met. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701-1497.

*NRC Section Chief:* Claudia M. Craig.

*Nuclear Management Company, LLC, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin*

*Date of amendment request:* February 5, 2001.

*Description of amendment request:* The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification 3.1.d.2 to reduce the maximum allowable leakage of primary system reactor coolant to the secondary system from 500 gallons per day (gpd) through any one steam generator to 150 gpd through any one steam generator. In addition, the proposed amendment would remove reference to voltage based repair criteria.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The change in Leakage of Reactor Coolant value proposed by this request for [Technical Specification] TS 3.1.d.2 complies with [Nuclear Energy Institute] NEI 97-06, "Steam Generator Program Guidelines." [Nuclear Management Company, LLC] NMC evaluated accident analyses affected by [steam generator] SG tube leakage and determined that this change continues to be bounded by

the existing licensing and design basis. Design basis accidents and transients, including steam generator tube rupture (SGTR), were analyzed using Westinghouse Model 54F steam generator assumptions as part of steam generator replacement. These evaluations show that the proposed 150 gpd [gallons per day] value for Leakage of Reactor Coolant is bounded by the larger value used in applicable existing design basis accident and transient analyses. The 150 gpd leak rate provides increased margin to acceptance criteria found in these analyses. All acceptance criteria are satisfied and SG primary to secondary leakage values for the [replacement steam generator] RSG conform to the existing design bases and are bounded by the existing safety analyses. Changing the technical specification within limits of the bounding accident analyses cannot change the probability or consequence of an accident previously evaluated. Removal of an allowance for voltage-based alternate repair criteria defaults to a more conservative repair criteria. Thus, nothing in this proposal will cause an increase in the probability or consequence of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The 150 gpd value proposed for maximum allowable Leakage of Reactor Coolant is consistent with current plant design bases and does not adversely affect any fission product barrier, nor does it alter the safety function of safety significant systems, structures and components or their roles in accident prevention or mitigation. The proposed value for maximum allowable leakage through any one steam generator is bounded by currently licensed design basis accident and transient analyses of record. Removal of a reference in the TS to voltage-based repair criteria leaves in its place a more conservative, more restrictive criteria for repair or plugging of steam generator tubes. Thus, this proposal does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

The proposed change does not alter the manner in which Safety Limits, Limiting Safety System Setpoints, or Limiting Conditions for Operation are determined. It sets TS 3.1.d.2 for Leakage of Reactor Coolant to a lower, thus more conservative, value than that previously specified and approved for use by the NRC [Nuclear Regulatory Commission]. It conforms to plant design bases, is consistent with current safety analyses, and limits actual plant operation within analyzed and licensed boundaries. Analyses of applicable transients were performed using a primary to secondary leakage rate greater than the rate proposed by this request. All safety analysis acceptance criteria are satisfied at this value and all [Kewaunee Nuclear Power Plant] KNPP safety requirements continue to be met. The 150 gpd leak rate proposed by this amendment request is bounded by these analyses. Removal of reference to use of voltage-based repair criteria from TS 3.1.d.2 and its basis leaves an existing and more

conservative repair criteria in place. Thus, changes proposed by this request do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701-1497.

*NRC Section Chief:* Claudia M. Craig.

*Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California*

*Date of amendment requests:* January 11, 2001.

*Description of amendment requests:* The proposed amendment deletes requirements from the Technical Specifications (and, as applicable, other elements of the licensing bases) to maintain a Post Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG-0737, "Clarification of TMI [Three Mile Island] Action Plan Requirements," and Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the technical specifications (TS) for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR

65018). The licensee affirmed the applicability of the following NSHC determination in its application dated January 11, 2001.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI-2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI-2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI-2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI-2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

*NRC Section Chief:* Stephen Dembek.

*Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri*

*Date of application for amendment:* January 18, 2001.

*Brief description of amendment request:* The amendment request identifies an unreviewed safety question related to the planned replacement of the engineered safety features (ESF) transformers with new transformers

having active automatic load tap changers (LTCs). Markups to the Final Safety Analysis Report (FSAR) were included in the application.

*Basis for proposed no significant hazards determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Based on the review of the modification details there is an insignificant increase in the probability of a malfunction of equipment important to safety, however there is no increase in the probability of an accident previously evaluated. The modification has no effect on the radiological consequences of accidents previously evaluated. Installation of the LTCs does not impact accident initiators though a failure mode has been identified that can increase the probability of malfunction, a risk study shows this risk is insignificant.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The overall effect of the malfunction of the LTC controllers would lead to a loss of the associated ESF bus which is not a new failure mode that can lead to a new or different kind of accident than previously evaluated. The LTC failure effects are limited to the associated ESF train, therefore this type of failure meets the definition of a single failure as defined in 10 CFR 50 Appendix A for operation under normal (Non T/S [technical specification] action) conditions. Additionally, during the 10 CFR 50.59 evaluation for the LTCs criteria (a)(2)(ii) with respect to accidents of a different type was not met.

3. Does the proposed change involve a significant reduction in margin of safety?

The installation of the replacement transformers with load tap changers will help assure the required minimum NB bus voltage established by Reference 7.10 [design calculations] under a wider variation of grid voltage.

Current Technical Specification Bases for the offsite power distribution system are covered in sections B3.8.1—AC Sources—Operating, B3.8.9—Distribution Systems—Operating, B3.8.2—AC Sources—Shutdown, and B3.8.10—Distribution Systems—Shutdown. These bases ensure that sufficient power will be available to supply the safety-related equipment required for: (1) The safe shutdown of the facility; and (2) The mitigation and control of accident conditions within the facility. The minimum specified independent and redundant AC power and distribution systems satisfy the requirements of General Design Criterion 17 of Appendix A to 10 CFR Part 50. The ACTIONS sections of the applicable Technical Specifications provide requirements specified for various levels of degradation of the power sources and provide restrictions upon continued facility operation commensurate with the

level of degradation. The Operability of the power sources are consistent with the initial condition assumptions of the safety analyses and are based upon maintaining at least one redundant set of onsite AC power sources and associated distribution systems operable during accident conditions coincident with an assumed loss of offsite power and single failure of the other onsite AC source.

The installation of the transformers with automatic load tap changers reduces the possibility of the loss of the offsite power system due to the increased grid voltage variations as documented in the description of the change in section 4.1.4. Therefore, the installation of the transformers with load tap changers will not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Section Chief:* Stephen Dembek.

*Virginia Electric and Power Company, Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia*

*Date of amendment request:* January 9, 2001.

*Description of amendment request:* The proposed administrative changes will remove obsolete license conditions from the Facility Operating License (FOL) and implement associated changes to the Technical Specifications (TS). These changes involve editorial revisions, relocation of license conditions, removal of redundant license conditions covered throughout the license, removal of expired license conditions, and removal of license conditions and TS associated with completed modifications.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the North Anna Unit 1 Facility Operating License, NPF-4, is administrative (and in part editorial) in nature. The removal of license conditions regarding completed, no longer needed, and expired requirements has no impact on plant operations since these requirements no longer have meaningful applications. The renumbering and/or relocation within the

FOL of various license conditions in this proposed administrative change does not alter the technical basis, requirements or the implementation of the affected items. The proposed change is within the current design and licensing bases of the facility. Since this change is administrative only and neither station operations nor design are affected by the change, it does not involve any significant increase in the probability or the consequences of any accident or malfunction of equipment important to safety previously evaluated.

Criterion 2—The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is administrative (and in part editorial) in nature. The license conditions that are being removed or relocated by this proposed change do not impact station operations or station equipment in any manner. The proposed change does not involve a physical alteration of the plant, nor a change in the methods used to respond to plant transients that has not been previously analyzed. No new or different equipment is being installed and no installed equipment is being removed or operated in a different manner.

Consequently, no new failure modes are introduced and the proposed administrative change to the North Anna Unit 1 Facility Operating License does not create the possibility of a new or different kind of accident or malfunction of equipment important to safety from any previously evaluated.

Criterion 3—The proposed license amendment does not involve a significant reduction in a margin of safety.

The proposed change is administrative (and in part editorial) in nature and neither station operations nor design are affected by the change. Since station operations are not affected by the proposed administrative change and no physical change is being made to the station, the change does not impact the condition, design, or performance of any station structure, system or component. Therefore, the proposed administrative change to the North Anna Unit 1 Facility Operating License does not involve a significant reduction in any margin of safety described in the bases of the Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

*NRC Section Chief:* Maitri Banerjee, Acting.

*Virginia Electric and Power Company, Docket No. 50-339, North Anna Power Station, Unit No. 2, Louisa County, Virginia*

*Date of amendment request:* January 9, 2001.

*Description of amendment request:* The proposed administrative changes will remove obsolete license conditions from the Facility Operating License (FOL). These changes involve editorial revisions, relocation of license conditions, removal of expired license conditions, and removal of license conditions associated with completed modifications.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the North Anna Unit 2 Facility Operating License, NPF-7, is administrative (and in part editorial) in nature. The removal of license conditions regarding completed, no longer needed, and expired requirements has no impact on plant operations since these requirements no longer have meaningful applications. The renumbering and/or relocation within the FOL of various license conditions in this proposed administrative change does not alter the technical basis, requirements or the implementation of the affected items. The proposed change is within the current design and licensing bases of the facility. Since this change is administrative only and neither station operations nor design are affected by the change, it does not involve any significant increase in the probability or the consequences of any accident or malfunction of equipment important to safety previously evaluated.

Criterion 2—The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is administrative (and in part editorial) in nature. The license conditions that are being removed or relocated by this proposed change do not impact station operations or station equipment in any manner. The proposed change does not involve a physical alteration of the plant, nor a change in the methods used to respond to plant transients that has not been previously analyzed. No new or different equipment is being installed and no installed equipment is being removed or operated in a different manner. Consequently, no new failure modes are introduced and the proposed administrative change to the North Anna Unit 2 Facility Operating License does not create the possibility of a new or different kind of accident or malfunction of equipment

important to safety from any previously evaluated.

Criterion 3—The proposed license amendment does not involve a significant reduction in a margin of safety.

The proposed change is administrative (and in part editorial) in nature and neither station operations nor design are affected by the change. Since station operations are not affected by the proposed administrative change and no physical change is being made to the station, the change does not impact the condition, design, or performance of any station structure, system or component. Therefore, the proposed administrative change to the North Anna Unit 2 Facility Operating License does not involve a significant reduction in any margin of safety described in the bases of the Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

*NRC Section Chief:* Maitri Banerjee, Acting.

**Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

*PSEG Nuclear LLC, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey*

*Date of amendment request:* January 8, 2001.

*Brief description of amendment request:* The proposed amendment would revise the Technical Specifications (TS) to change the acceptance values for Core Spray subsystem flow contained in TS

4.5.1.b.1 from the current value of 6350 gallons per minute (gpm) to 6150 gpm.

*Date of publication of individual notice in Federal Register:* January 22, 2001 (66 FR 6701).

*Expiration date of individual notice:* February 21, 2001.

**Notice of Issuance of Amendments to Facility Operating Licenses**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

*Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona*

*Date of application for amendments:* June 16, 2000.

*Brief description of amendments:* The amendments revise TS Table 3.3.10-1, "Post Accident Monitoring Instrumentation," to add the high pressure safety injection (HPSI) cold leg flow and HPSI hot leg flow instrumentation to the table.

*Date of issuance:* February 8, 2001.

*Effective date:* February 8, 2001, and shall be implemented within 30 days of the date of issuance.

*Amendment Nos.:* Unit 1—131, Unit 2—131, Unit 3—131.

*Facility Operating License Nos. NPF-41, NPF-51, and NPF-74:* The amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 4, 2000 (65 FR 59220)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 08, 2001.

No significant hazards consideration comments received: No.

*Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland*

*Date of application for amendments:* September 14, 2000.

*Brief description of amendments:* The amendments incorporate changes described below into the Technical Specifications for Culvert Cliffs Units 1 and 2. On September 9, 1996, a final rule amending 10 CFR 50.55a was issued requiring owners to implement, by September 9, 2001, the requirements of the 1992 Edition through the 1992 Addenda of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section XI, Subsections IWE and IWL, as modified and supplemented by 10 CFR 50.55a. Calvert Cliffs Nuclear Power Plant, Inc. has developed a program to effect the implementation of Subsections IWE and IWL.

*Date of issuance:* January 30, 2001.

*Effective date:* As of the date of issuance to be implemented within 30 days.

*Amendment Nos.:* 240 and 214.

*Facility Operating License Nos. DPR-53 and DPR-69:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 18, 2000 (65 FR 62384).



The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

*Detroit Edison Company, Docket No. 50-341, Fermi 2, Monroe County, Michigan*

*Date of application for amendment:* November 19, 1999, as supplemented May 31, August 2, October 19, and November 21, 2000.

*Brief description of amendment:* The amendment revises the Technical Specifications (TSs) by changing (1) the design features description of the fuel storage equipment and configuration to allow an increase in the spent fuel pool (SFP) storage capacity and (2) the description of the high-density spent fuel racks program to clarify that the surveillance program is applicable only to racks containing Boraflex as a neutron absorber. Specifically, the amendment revises the TSs for Fermi 2 to increase the capacity of the SFP from 2,414 to 4,608 fuel assemblies.

*Date of issuance:* January 25, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 90 days.

*Amendment No.:* 141.

*Facility Operating License No. NPF-43:* Amendment revises the Technical Specifications

*Date of initial in Federal Register* March 13, 2000 (65 FR 13336)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated a January 25, 2001.

No significant hazards consideration comments received: No.

*Detroit Edison Company, Docket No. 50-341, Fermi 2, Monroe County, Michigan*

*Date of application for amendment:* September 20, 2000.

*Brief description of amendment:* The amendment changes Technical Specification (TS) 5.5.7.d to decrease the maximum allowed pressure drops across control room emergency filtration (CREF) make-up and recirculation train filters and charcoal absorbers. The words "(CREF only)" are also removed from the TS.

*Date of issuance:* February 8, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 60 days

*Amendment No.:* 142.

*Facility Operating License No. NPF-43:* Amendment revises the Technical Specifications.

*Date of initial notice in Federal Register:* November 1, 2000 (65 FR 65340).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 8, 2001.

No significant hazards consideration comments received: No.

*Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas*

*Date of application for amendment:* November 30, 2000.

*Brief description of amendment:* The amendment relocated the boration systems requirements from the Technical Specifications to the Technical Requirements Manual.

*Date of issuance:* January 31, 2001.

*Effective date:* As of the date of issuance to be implemented within 60 days from the date of issuance.

*Amendment No.:* 229.

*Facility Operating License No. NPF-6:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* December 27, 2000 (65 FR 81916).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

*Entergy Nuclear Operations, Inc., Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York*

*Date of application for amendment:* November 19, 1999, as supplemented October 12, 2000.

*Brief description of amendment:* The amendment changes the Technical Specification surveillance testing requirements of the charcoal adsorbers in the Standby Gas Treatment System and the Control Room Emergency Ventilation Air Supply System to meet the requested actions of Generic Letter 99-02.

*Date of issuance:* February 5, 2001.

*Effective date:* As of the date of issuance to be implemented within 30 days.

*Amendment No.:* 269.

*Facility Operating License No. DPR-59:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* February 9, 2000 (65 FR 6410).

The October 12, 2000, supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2001.

No significant hazards consideration comments received: No.

*Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Units 3 and 4, Dade County, Florida*

*Date of application for amendments:* May 22, 2000, as supplemented October 4, 2000.

*Brief description of amendments:* Changed the Technical Specifications to incorporate that portion of the August 8, 1996, Final Amended Rule (61 FR 41303) related to revised requirement of inservice inspection of the containment post-tensioning system.

*Date of issuance:* January 31, 2001.

*Effective date:* January 31, 2001.

*Amendment Nos.:* 210 and 204.

*Facility Operating License Nos. DPR-31 and DPR-41:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 9, 2000 (65 FR 48750). The October 4, 2000 letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

*Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Units 3 and 4, Dade County, Florida*

*Date of application for amendments:* December 6, 2000.

*Brief description of amendments:* The amendments delete Technical Specifications (TS) Section 6.8.4.d, "Post Accident Sampling," for Turkey Point Units 3 and 4 and thereby eliminate the requirements to have and maintain the post-accident sampling system (PASS) for those units.

*Date of issuance:* January 31, 2001.

*Effective date:* January 31, 2001.

*Amendment Nos.:* 211 and 205.

*Facility Operating License Nos. DPR-31 and DPR-41:* Amendments revised the TSs.

*Date of initial notice in Federal Register:* December 27, 2000 (65 FR 81923).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.



*Indiana Michigan Power Company, Docket No. 50-316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan*

*Date of application for amendment:* September 30, 2000, as supplemented November 22, and December 20, 2000.

*Brief description of amendment:* The amendment would allow an extension of the steam generator tube inspection surveillance requirements of Technical Specification Surveillance Requirement 4.4.5.3. Specifically, the licensee requested to extend the required inspection interval from 40 to 56 calendar months.

*Date of issuance:* January 30, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment No.:* 232.

*Facility Operating License No. DPR-74:* Amendment revises the Technical Specifications.

*Date of initial notice in Federal Register:* October 18, 2000 (65 FR 62387).

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

*Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut*

*Date of application for amendment:* June 1, 2000.

*Brief description of amendment:* The amendment approves changes to Technical Specifications (TSs) 3.3.3.2, "Instrumentation, Movable Incore Detectors"; 3.3.3.3, "Instrumentation, Seismic Instrumentation"; 3.3.3.4, "Instrumentation, Meteorological Instrumentation"; 3.3.3.8, "Loose-Part Detection System"; 3.3.4, "Turbine Overspeed Protection"; and Index Pages vi and vii. The changes relocate the requirements for the incore detectors, seismic instrumentation, meteorological instrumentation, loose-part detection system, and turbine overspeed protection system from the TSs to the Technical Requirements Manual. The Bases for these TSs have been modified to reflect the TS changes.

*Date of issuance:* January 29, 2001.

*Effective date:* As of the date of issuance and shall be implemented

within 60 days from the date of issuance.

*Amendment No.:* 193.

*Facility Operating License No. NPF-49:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* November 29, 2000 (65 FR 71136).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

*Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut*

*Date of application for amendment:* July 31, 2000 as supplemented January 5, 2001.

*Brief description of amendment:* The amendment changes Technical Specifications (TSs) 3.8.1.1, "Electrical Power Systems—A.C. Sources—Operating," and 3.8.1.2, "Electrical Power Systems—A.C. Sources—Shutdown." The changes allow certain EDG surveillance requirements to be performed when the plant is operating instead of shut down as currently required. The index and Bases for these TSs are modified to reflect the changes.

*Date of issuance:* February 2, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 30 days from the date of issuance.

*Amendment No.:* 194.

*Facility Operating License No. NPF-49:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 2000 (65 FR 54087).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 2, 2001.

No significant hazards consideration comments received: No.

*Nuclear Management Company, LLC, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin*

*Date of application for amendment:* November 18, 1999, as supplemented August 7, 2000.

*Brief description of amendment:* The amendment to the Kewaunee Nuclear Power Plant Technical Specifications approves an increase in the allowable number of spent fuel assemblies in the spent fuel pools. The addition of the 215 storage locations in the new north canal pool will extend the full-core reserve

capability until after the 2009 outage, and increase the total capacity to 1,205 spent fuel assemblies.

*Date of issuance:* January 23, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment No.:* 150.

*Facility Operating License No. DPR-43:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* November 1 and December 21, 2000 (65 FR 65347 and 65 FR 80471 respectively)

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 23, 2001.

No significant hazards consideration comments received: No.

*Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California*

*Date of application for amendments:* May 12, 2000, as supplemented by letter dated January 25, 2001.

*Brief description of amendments:* These amendments authorize (1) a design upgrade of the refueling water purification (RWP) system to permit reclassification of this system from Design Class II/non-Seismic Category 1 to Design Class I/Seismic Category 1 to allow filtering of the refueling water storage tank (RWST) water while the RWST is required to be operable, and (2) the use of a temporary reverse osmosis skid mounted system to reduce RWST silica concentration levels while the RWST is required to be operable following upgrade of the RWP system to satisfy reactor coolant chemistry limits.

*Date of issuance:* January 29, 2001.

*Effective date:* January 29, 2001, and shall be implemented in the next periodic update to the FSAR Update, following upgrade of the refueling water purification system, in accordance with 10 CFR 50.71(e).

*Amendment Nos.:* Unit 1—144 ; Unit 2—143.

*Facility Operating License Nos. DPR-80 and DPR-82:* The amendments revised the FSAR Update.

*Date of initial notice in Federal Register:* July 12, 2000 (65 FR 43050).

The January 25, 2001, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed,

and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

*Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California*

*Date of application for amendments:* September 6, 2000 (PCN-274, Supplement 1).

*Brief description of amendments:* The amendments revised the San Onofre, Units 2 and 3 Technical Specification 3.3.11, "Post Accident Monitoring Instrumentation (PAMI)," to extend the PAMI surveillance frequency from 18 to 24 months to accommodate a 24-month fuel cycle.

*Date of issuance:* January 30, 2001.

*Effective date:* January 30, 2001, to be implemented within 30 days of issuance.

*Amendment Nos.:* Unit 2—176; Unit 3—167.

*Facility Operating License Nos. NPF-10 and NPF-15:* The amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 18, 2000 (65 FR 62391).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

*Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California*

*Date of application for amendments:* October 6, 2000 (PCN-518).

*Brief description of amendments:* The amendments revise TS 3.7.11, "Control Room Emergency Air Cleanup System (CREACUS)," to establish actions to be taken for inoperable ventilation systems due to a degraded control room pressure boundary. The amendments allow up to 24 hours to restore the pressure boundary to operable status when two ventilation trains are inoperable due to an inoperable pressure boundary in Modes 1, 2, 3, and 4. In addition, a limiting condition for operation note is added to allow the pressure boundary to be opened intermittently under administrative control without affecting CREACUS operability.

*Date of issuance:* January 30, 2001.

*Effective date:* January 30, 2001, to be implemented within 30 days of issuance.

*Amendment Nos.:* Unit 2—177; Unit 3—168.

*Facility Operating License Nos. NPF-10 and NPF-15:* The amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* November 15, 2000 (65 FR 69066).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2001.

No significant hazards consideration comments received: No.

*South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina*

*Date of application for amendment:* November 10, 2000.

*Brief description of amendment:* This amendment will allow: (a) the minimum fuel oil stored in the fuel oil storage tank (FOST) for each emergency diesel generator (EDG) to be raised from 47,100 gallons to 48,500 gallons for Modes 1-4, and from 33,200 gallons to 42,500 gallons for Modes 5 and 6; and (b) the minimum fuel oil maintained in the day fuel tank for each EDG to be raised from 300 gallons to 360 gallons for Modes 1-6.

*Date of issuance:* February 2, 2001.

*Effective date:* February 2, 2001.

*Amendment No.:* 150.

*Facility Operating License No. NPF-12:* Amendment revises the Technical Specifications.

*Date of initial notice in Federal Register:* November 20, 2000 (65 FR 69795).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 2, 2001.

No significant hazards consideration comments received: No.

*Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama*

*Date of amendments request:* October 9, 2000, supplemented December 4, 2000.

*Brief Description of amendments:* The amendments revise Technical Specification 5.5.14, "Technical Specification (TS) Bases Control Program," to provide consistency with the changes in 10 CFR 50.59 which were published in the **Federal Register** on October 4, 2000.

*Date of issuance:* January 31, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 30 days from the date of issuance.

*Amendment Nos.:* 148 and 140.

*Facility Operating License Nos. NPF-2 and NPF-8:* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* December 20, 2000 (65 FR 79907) The supplement dated December 4, 2000, provided clarifying information that did not change the scope of the October 4, 2000, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

*Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia*

*Date of application for amendments:* June 14, 2000.

*Brief description of amendments:* The amendments revised the Technical Specifications (TSs) Surveillance Requirements (SR) 3.8.1.9 and 3.8.1.14 to reduce diesel generators loading requirements from  $\geq 6800$  kW and  $\leq 7000$  kW to  $\geq 6500$  kW and  $\leq 7000$  kW. These changes will make the above SRs consistent with SRs 3.8.1.3 and 3.8.1.13, which are in the current TSs. In addition, the proposed changes would correct a typographical error in Section 5.6.7, "EDG Failure Report," in the Vogtle TS. This editorial change will correctly reference Regulatory Position C.4 of Regulatory Guide 1.9, Revision 3 instead of Regulatory Position C.5.

*Date of issuance:* January 31, 2001.

*Effective date:* As of the date of issuance and shall be implemented within 30 days from the date of issuance.

*Amendment Nos.:* Unit 1—117; Unit 2—95.

*Facility Operating License Nos. NPF-68 and NPF-81:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 2000 (65 FR 54087).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2001.

No significant hazards consideration comments received: No.

*Tennessee Valley Authority, Docket Nos. 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 2 and 3, Limestone County, Alabama*

*Date of application for amendments:* August 11, 2000 (TS-400) as supplemented by letter dated October 20, 2000.

*Brief description of amendments:* The amendments revised the surveillance test requirements for excess flow check valves.

*Date of issuance:* January 29, 2001.

*Effective date:* January 29, 2001.

*Amendment Nos.:* 268 and 228.

*Facility Operating License Nos. DPR-52 and DPR-68:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 2000 (65 FR 54088). The October 20, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2001.

No significant hazards consideration comments received: No.

*Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas*

*Date of amendment request:* December 7, 2000 (ET 00-0041).

*Brief description of amendment:* The amendment changes Table 3.3.2-1, "Engineered Safety Feature Actuation System Instrumentation," of the Technical Specifications. The change adds Surveillance Requirement (SR) 3.3.2.10 for the following two engineered safety feature actuation system instrumentation in the table: item 6.f, loss of offsite power, and item 6.h, auxiliary feedwater pump suction transfer on suction pressure—low.

*Date of issuance:* February 06, 2001.

*Effective date:* February 06, 2001, and shall be implemented including the changes to the Bases for the response times, within 60 days of the date of issuance.

*Amendment No.:* 136.

*Facility Operating License No. NPF-42.* The amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* December 27, 2000 (65 FR 81932).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 06, 2001.

No significant hazards consideration comments received: No.

#### **Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an

opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By March 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the

Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the

hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

*Entergy Nuclear Operations, Inc.,*  
Docket No. 50-286, Indian Point  
Nuclear Generating Unit No. 3,  
Westchester County, New York  
Date of amendment request:  
December 19, 2000.

Description of amendment request:  
The amendment revises the Technical

Specifications to indicate that quadrant power tilt limits apply only when reactor power is greater than 50 percent.

Date of issuance: December 20, 2000.

Effective Date: As of its date of issuance and shall be implemented within 30 days.

Amendment No.: 204.

Facility Operating License No. DPR-64: Amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated December 20, 2000.

Attorney for licensee: Mr. John M. Fulton, Assistant General Counsel  
Entergy Nuclear Generating Co. Pilgrim  
Station, 600 Rocky Hill Road Plymouth,  
MA 02360.

NRC Section Chief: Marsha Gamberoni.

Dated at Rockville, Maryland, this 14th day of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project  
Management, Office of Nuclear Reactor  
Regulation.

[FR Doc. 01-4228 Filed 2-20-01; 8:45 am]

BILLING CODE 7590-01-U

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available  
From: Securities and Exchange  
Commission, Office of Filings and  
Information Services, Washington, DC  
20549.

#### Extension:

Form SE, OMB Control No. 3235-0327, SEC File No. 270-289;  
Form ID, OMB Control No. 3235-0328, SEC File No. 270-291;  
Form ET, OMB Control No. 3235-0329, SEC File No. 270-290; and  
Form TH, OMB Control No. 3235-0425, SEC File No. 270-377.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Form SE is used by registrants to file paper copies of exhibits that would be difficult or impossible to submit electronically. The information contained in Form SE is used by the Commission to identify paper copies of exhibits and is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 110 registrants file Form SE at an estimated 0.10 hours per response for a total annual burden of 11 hours.

Form ID is used by companies to apply for identification numbers and passwords used in conjunction with the EDGAR electronic filing system. The information provided on Form ID is essential to the security of the EDGAR system. Form ID must be filed every time a registrant or other person obtains or changes an identification number. The form is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 7,000 registrants file Form ID at an estimated 0.15 hours per response for a total annual burden of 1,050 hours.

Form ET is used by companies to facilitate the transfer of information submitted to the Commission on magnetic tapes to the EDGAR system. Form ET provides technical information about the magnetic tape cartridge contents and identifies a contact person who can answer any questions about the tape cartridge. Form ET must be filed every time a filing is submitted to the Commission on magnetic tape to identify such filings. The form is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 120 registrants file Form ET at an estimated 0.25 hours per response for a total annual burden of 30 hours.

Form TH is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper format that would otherwise be required to file electronically as prescribed by Rule 201(a) of Regulation S-T. The form must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required electronic filing. It is estimated that 15 registrants file Form TH at an estimated 0.33 hours per response for a total annual burden of 5 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 8, 2001.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-4257 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27346]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 14, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 12, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 12, 2001, the

application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### Alliant Energy Corporation, et al.

[70-9837]

*Notice of Proposal To Amend Articles of Incorporation To Issue New Preferred Stock; Approve Merger; Increase in Utility Money Pool Borrowing Limits and Long-Term Debt Limits; Order Authorizing Solicitation of Proxies*

Alliant Energy Corporation ("Alliant"), a registered holding company, 222 West Washington Avenue, Madison, Wisconsin 53703, and two of its wholly-owned gas and electric utility subsidiary companies, Interstate Power Company ("IPC"), 1000 Main Street, P.O. Box 759, Dubuque, Iowa 52004, and IES Utilities Inc. ("IESU"), Alliant Energy Tower, 200 First Street SE., Cedar Rapids, Iowa 52401, each a public utility subsidiary of Alliant (collectively, "Applicants"), have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(d) and 12(e) of the Act and rules 43, 44, 45, 54, 62 and 65 under the Act.

Applicants propose to merge IPC into IESU ("Merger", and the surviving company, "New IESU"). IPC and IESU have operated as an interconnected and coordinated electric utility system since 1998 under a System Coordination and Operating Agreement ("SCOA") on file at the Federal Energy Regulatory Commission ("FERC"). Under the SCOA, IPC and IESU allocate costs for joint dispatch of electric generation facilities and certain transmission services are available over their combined transmission systems at a single rate.

Applicants state that the Merger will simplify Alliant's corporate structure and reduce corporate and administrative expenses, as well as allow New IESU to offer competitive rates to consumers.

IPC provides electricity to approximately 167,000 customers in northern and northeastern Iowa, southern Minnesota, and portions of northwestern Illinois. IPC also serves approximately 50,000 natural gas customers in Illinois, Minnesota and Iowa. IPC also owns approximately 2,562 miles of electric transmission lines and 224 substations. Its gas transportation and distribution system consists of approximately 91 miles of pipelines and 916 miles of distribution mains.<sup>1</sup>

<sup>1</sup> IPC's operating revenues for the year ended December 31, 1999 were \$342,105,000, of which

IESU provides retail electric service to more than 345,000 customers and retail natural gas service to more than 181,000 customers in Iowa. IESU also owns approximately 4,448 miles of electric transmission lines and 578 substations which are primarily located in Iowa. Its gas distribution system consists of approximately 139 miles of pipelines and 3,836 miles of distribution mains.<sup>2</sup>

Applicants propose to solicit proxies from the holders of outstanding shares of IESU's preferred stock ("Proxy Solicitation") for use at a special meeting of its stockholders on April 3, 2001, to consider the proposed Merger of IPC into IESU, and a proposed amendment to IESU's Amended and Restated Articles of Incorporation ("Articles of Incorporation") that will authorize the New Class A Preferred Stock ("New Preferred Stock") to be issued in the Merger.

On the closing date, IPU will merge with and into IESU.<sup>3</sup> The Merger will be governed by the Agreement and Plan of Merger ("Merger Agreement"), as amended, between IESU and IPC, dated March 15, 2000.

Under the Merger Agreement, the designations, rights and preferences of each series of the New Preferred Stock will be substantially identical to the corresponding series of IPC preferred stock for which it will be exchanged. The amendment will only authorize enough shares of New Preferred Stock as necessary to carry out an exchange for the existing shares of IPC preferred stock. At the time of the Merger, each share of IPC preferred stock will cease to be outstanding and will be converted into and become the right to receive one share of New Preferred Stock, to be issued in series that will correspond with each series of the former IPC preferred stock.

After the Merger, IESU will continue to serve IPC's customers and will operate as an electric and gas utility company in portions of Iowa, Minnesota and Illinois.

The Merger is subject to affirmative approval by a majority of the votes entitled to be cast by the holders of IESU common stock (all of which are

held by Alliant) and the holders of a majority of the outstanding shares of each class of IESU preferred stock voting as individual classes. IESU currently has outstanding 366,406 shares of cumulative preferred stock par value \$50 per share, issued in three series (4.30%, 4.80% and 6.10%) ("IESU Preferred Stock"). In addition, an amendment to IESU's Articles of Incorporation is necessary to consummate the Merger and requires the affirmative vote of at least a majority of the outstanding shares of IESU's common stock and of each class of the IESU Preferred Stock, all voting as separate classes, in attendance at the IESU special meeting on April 3, 2001.

Approval at the Merger by the IPC shareholders will require the affirmative vote of holders of a majority of the outstanding IPC common stock (all of which are held by Alliant) and IPC preferred stock entitled to vote, voting together as one class. IPC currently has outstanding 761,381 shares of cumulative preferred stock, par value \$50 per share, issued in four series (4.36%, 4.68%, 7.76% and 6.40%).<sup>4</sup>

In addition Applicants seek authorization to increase the limits on New IESU's borrowings from the intrasystem utility money pool ("Utility Money Pool") and its issuances of long-term secured and unsecured debt securities ("Long-Term Debt").

By orders dated December 18, 1998 and December 15, 2000 (HCAR Nos. 26956 and 27307, respectively), the Commission authorized, through June 30, 2004 ("Authorization Period"), IESU and IPC to incur short-term debt by borrowings from the Utility Money Pool in an aggregate amount at any time not to exceed \$150 million and \$100 million, respectively. Following the Merger, IPC's borrowing authorization will expire. Applicants propose that New IESU's short-term borrowing limit be increased to \$250 million. All other terms, conditions and limitations under the Utility Money Pool will remain the same.

By orders dated November 25, 1998 and December 15, 2000 (HCAR Nos. 26945 and 27306, respectively) ("IESU Orders"), and November 25, 1998 and December 15, 2000 (HCAR Nos. 26946 and 27305, respectively) ("IPC Orders"), the Commission authorized, through the Authorization Period, IESU and IPC to issue and sell Long-Term Debt in the form of senior unsecured debentures,

and unsecured subordinated debentures, collateral trust bonds,<sup>5</sup> and to enter into agreements with respect to tax-exempt bonds, in an aggregate amount outstanding not to exceed \$200 million for IESU and \$80 million for IPC. IPC's authorization will expire following the Merger. Applicants propose to increase New IESU's Long-Term Debt to \$300 million. All other terms, conditions, and limits will remain the same.

Applicants request that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d). It appears to the Commission that the application-declaration relating to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

Alliant Energy states, for purposes of rule 54, that the conditions specified in rule 53(a) are satisfied and that none of the adverse conditions specified in rule 53(b) exist. As a result, the Commission will not consider the effect on the Alliant Energy system of the capitalization or earnings of any Alliant Energy subsidiary that is an exempt wholesale generator or foreign utility company, as each is defined in sections 32 and 33 of the Act, respectively, in determining whether to approve the proposed transactions.

Fees, commissions, and expenses to be incurred in connection with the transactions described in the application-declaration concerning the Proxy Solicitation are expected not to exceed \$206,518 with respect to the Proxy Solicitation.

It is stated that the Merger is subject to the approval of the Iowa Utilities Board, the Minnesota Public Utilities Commission, and the Illinois Commerce Commission, and the FERC.

*It Is Ordered*, under rule 62 under the Act, that the application-declaration regarding the proposed Proxy Solicitation become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-4258 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

<sup>2</sup>\$294,381,000 (86%) were derived from electric utility operations and \$47,724,000 (14%) from gas operations.

<sup>3</sup>IESU's operating revenues for the year ended December 31, 1999 were \$800,696,000, of which \$627,950,000 (78%) were derived from electric utility operations, \$145,825,000 (18%) from gas operations, and \$26,921,000 (4%) from steam and other operations.

<sup>4</sup>The surviving entity will be a wholly owned subsidiary of Alliant and will be renamed "Interstate Power and Light Company" pending approval by shareholder proxy.

<sup>5</sup>Alliant owns 92.8% of the aggregate voting power of all IPC shareowners and intends to vote for approval of the Merger. Therefore, approval of the Merger by the IPC shareholders is assured.

<sup>5</sup>The Commission authorized the issuance and sale of collateral trust bonds in the IESU Orders but not in the IPC Orders.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43954; File No. SR-AMEX 01-01]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the American Stock Exchange LLC Relating to Amendments to Rule 126(g) and Precedence Based on Size

February 12, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 18, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On February 5, 2001, the Amex amended the proposal.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Amex Rule 126(g), Commentary .01, to reduce from 25,000 to 5,000 shares the minimum size block cross that will be permitted to establish size precedence. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deletions are in brackets.

#### Rule 126 Precedence of Bids and Offers

##### Commentary .01

Order to cross 5,000 [25,000], shares or more, where one or both sides of such cross is for the account of a member or member organization, will be permitted to establish precedence based on size so long as the orders are represented at the post when a sale removing all bids and offers from the Floor takes place. Once the precedence of such orders of 5,000 [25,000] shares or more has been established, the broker handling the

cross must then bid and offer the security in accordance with Rule 152.

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

In 1989, the Commission approved on a permanent basis Amex Rule 126(g), Commentary .01, which provides that orders to cross 25,000 shares or more will be permitted to establish precedence over other bids and offers.<sup>4</sup> Procedures under Rule 126(g), Commentary .01 permit size precedence for crosses of 25,000 shares or more to be established when no other order has price or time priority. When an order has time priority, a sale removing all bids and offers from the floor must occur before parity is established, and the order to cross can be accorded precedence based on size. Thus, in order to obtain precedence, orders to cross 25,000 shares or more must have been presented at the specialist's post when the sale removing all bids and offers from the floor had taken place. Once size precedence has been established, the broker handling the cross must then bid and offer the security in accordance with Amex Rule 152.<sup>5</sup>

The Exchange is proposing to reduce from 25,000 to 5,000 shares the minimum size block cross that will be permitted to establish size precedence. The block cross procedures under Amex Rule 126(g) have facilitated executions of large size orders on the Amex as one transaction at a single price, without such orders losing shares to other orders in the trading crowd or on the specialist's book due to Exchange parity rules. In addition, by facilitating the

execution of large blocks on the Amex, the proposed rule change will reduce member firms' incentive to route such orders to regional exchanges or the third market in order to avoid losing an excessive number of shares to other orders under existing Amex parity rules. The Exchange notes that, with the start-up of decimal pricing in equities, with a minimum price variation of one cent, it will be less expensive for members to break up proposed block crosses on the Amex Floor, which may result in such crosses being routed to markets in which size precedence is not taken into account in the manner required by Amex rules.

The Exchange believes it is appropriate to permit block size orders of 5,000 shares to establish size precedence. The proposal will bring Amex rules more in line with the New York Stock Exchange ("NYSE") size precedence rules (e.g., NYSE Rule 72), but Amex rules will continue to be more conservative than NYSE rules in that size precedence will be accorded only to crosses, and only when such orders involve 5,000 shares or more. In addition, confining the Exchange's size precedence threshold to 5,000 shares will continue to limit the effects of the rule primarily to active, liquid issues.

###### 2. Statutory Basis

The Amex believes the proposed rule change is consistent with Section 6(b) of the Act<sup>6</sup> in general and furthers the objectives of Section 6(b)(5)<sup>7</sup> in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

##### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition.

##### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal**

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See January 23, 2001 letter from Michael Cavalier, Associate General Counsel, Legal and Regulatory, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, SEC ("Amendment No. 1"). At the Commission's request, the Amex filed Amendment No. 1, which asks that the proposal be implemented on a one-year pilot program basis.

<sup>4</sup> See Securities Exchange Act Release No. 26550 (February 15, 1989), 54 FR 7655 (February 22, 1989) (SR-Amex-88-30).

<sup>5</sup> *Id.*

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).



**Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

The Amex has requested accelerated approval of the proposed rule change. While the Commission will not grant accelerated approval at this time, the Commission will consider granting accelerated approval of the proposal at the close of an abbreviated comment period of 15 days from the date of publication of the proposal in the **Federal Register**.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR-Amex-01-01 and should be submitted by March 8, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 01-4261 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43950; File No. SR-Amex-01-02]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC to Amend Amex Rule 126(g), Commentary .02 Regarding Agency Cross Transactions

February 12, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 5, 2001, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 126(g), Commentary .02, to reduce the number of shares that may be crossed on an agency basis under the rule from 25,000 shares to 5,000 shares. The text of the proposed rule change is in *italics*. Proposed deletions are in brackets.

#### Rule 126 Precedence of Bids and Offers

Commentary .02

When a member has an order to buy and an order to sell an equivalent amount of the same security, and both orders are of *5,000* [25,000] shares or more and are for the accounts of persons who are not members or member organizations, the member may "cross" those orders at a price at or within the prevailing quotation. The member's bid or offer shall be entitled to priority at such cross price, irrespective of pre-existing bids or offers at that price. The member shall follow the crossing procedures of Rule 151, and another member may trade with either the bid or offer side of the cross transaction only to provide a price which is better than the cross price as to all or part of such bid or offer. A member who is providing a better price to one side of

the cross transaction must trade with all other market interest having priority at that price before trading with any part of the cross transaction. No member may break up the proposed cross transaction, in whole or in part, at the cross price. A transaction effected at the cross price in reliance on this Commentary .02 shall be printed as "stopped stock".

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in section A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

Amex Rule 126, "Precedence of Bids and Offers," sets out rules governing priority and precedence of bids and offers on the Exchange Floor, and generally provides that bids and offers are entitled to precedence based on time, with members bidding at the highest price (offering at the lowest price) entitled to be on parity and divide executions at their price after a previous sale removes all bids and offers from the Floor. Commentary .02 to Amex Rule 126(g)<sup>3</sup> applies only to agency crosses (referred to herein as "clean crosses") to buy and sell orders of 25,000 shares or more (that is, both orders for accounts of non-members). This commentary provides that a member may cross those orders at a price at or within the prevailing quotation, with such orders entitled to priority at the cross price over previously entered bids and offers. When crossing these orders, the member must follow the crossing procedures of Amex Rule 151 and another member may trade with either the bid or offer side of the cross to provide improvement to all or part of the bid or offer. In addition, the member must trade with all other market interest having time priority at that price before

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 34089 (May 19, 1994), 59 FR 27301 (May 26, 1994) (SR-Amex-92-41) (approval order).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

trading with any part of the cross transaction.

The Exchange implemented Commentary .02 to facilitate execution of block size crosses on the Amex. In implementing this exception to the Exchange's rules of precedence, the Exchange was responding competitively to regional exchanges that were attracting Amex orders because orders to cross are not readily broken up by other trading interest in those markets which may lack a trading crowd or limit orders on specialists' books.

The Exchange expects that decimal pricing in minimum increments of \$.01 will result in increased numbers of cross transactions being broken up because it will be less expensive to provide price improvement than under previous increments. The Exchange believes this will place the Exchange at an increased competitive disadvantage to other markets where crosses can be effected with little or no risk of interference, will deprive customer block size orders of the benefits of primary market pricing, and will detract from primary market liquidity. The Exchange, therefore, believes it is appropriate to reduce the size of agency orders that can be crossed under Rule 126(g), Commentary .02, to 5,000 shares.

Amex clean cross procedures will continue to preserve auction market principles by providing the possibility of price improvement (because members must follow Amex Rule 151 crossing procedures), and by requiring that members trade with other market interest having time priority at that price before trading with any part of the cross transaction. In addition, the Exchange believes the proposal will enhance competition among markets in the execution of agency crosses, and will increase the possibility that pricing of agency crosses will be executed more efficiently and at better prices.

## 2. Statutory Basis

The Amex believes that the proposed rule change is consistent with section 6(b) of the Act<sup>4</sup> in general and further the objectives of section 6(b)(5)<sup>5</sup> in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

## *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change will impose no burden on competition.

## *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

## **III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

## **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR-Amex-01-02 and should be submitted by March 14, 2001.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.<sup>6</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 01-4263 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-43956; File No. SR-EMCC-00-9]

## **Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Schedules**

February 13, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>, notice is hereby given that on November 29, 2000, the Emerging Markets Clearing Corporation ("EMCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by EMCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change will allow EMCC to modify its current fee schedule.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, EMCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. EMCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.<sup>2</sup>

<sup>6</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> The Commission has modified the text of the summaries prepared by EMCC.

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(5).

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

EMCC's input charges for bonds and warrants are set on a sliding scale based upon the time the trade is input into EMCC's system. The last input time frame is currently 11 a.m. (New York time) of SD-2 (or T + 1) and occurs after EMCC performs the calculation of final margin payments on that day. EMCC would prefer that trades received on SD-2 be received in time to be included in the margin calculation for that day so that they can be guaranteed sooner and thus provide more certainty to members. The risk system cut-off time for calculation of final margin is 8 a.m. (New York time) on SD-2, therefore EMCC is setting the cut-off time for incremental fee purposes at 8 a.m. as well. This change has become effective on January 1, 2001.

The proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable to EMCC because it provides for the equitable allocation of dues, fees and other charges among EMCC's participants.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

EMCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments relating to the proposed rule change have been solicited or received. EMCC will notify the Commission of any written comments received by EMCC.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act and Rule 19b-4(f)(2) thereunder because the proposed rule change is changing a due, fee, or charge imposed by the self-regulatory organization. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of EMCC. All submissions should refer to File No. SR-EMCC-00-9 and should be submitted by March 14, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-4260 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-43958; File No. SR-NASD-01-03]**

**Self-Regulatory Organizations: Notice of Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. Relating to the Elimination of the Interval Delay Between Executions for Initial Public Offerings and Secondary Offerings in the Nasdaq National Market Execution System**

February 13, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 5, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary, the Nasdaq Stock Market, Inc.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

("Nasdaq"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On January 31, 2001, the NASD, through Nasdaq, filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change and Amendment No. 1 from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Nasdaq is filing a proposed rule change, on a six-month pilot basis, to eliminate the interval delay between executions against the same market maker at the same price level during the first day of trading of the securities of initial public offerings ("IPOs") and secondary offerings in the Nasdaq National Market Execution System ("NNMS" or "SuperSOES"). Below is the text of the proposed rule change, as amended. Proposed new language is *italicized*.

\* \* \* \* \*

**4710. Participant Obligations in NNMS**

(a) No Change.

(b) Market Makers

(1) An NNMS Market Maker in an NNMS Security shall be subject to the following requirements:

(A) No change.

(B) No change.

(C) No change.

(D) (1) Except as provided in subparagraphs (2) and (3) below, after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall not be required to execute another order at its bid or offer in the same security until 5 seconds has elapsed from the time the order was executed, as measured by the time of execution in the Nasdaq system.

(2) For securities included in the Nasdaq 100 Index, after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall not be required to execute another order at its bid or offer in the same security until 2 seconds has

<sup>3</sup> See Letter from Thomas P. Moran, Assistant General Counsel, Nasdaq, to Jack Drogin, Assistant Director, Division of Market Regulation, Commission, dated January 30, 2001 (Amendment No. 1). In Amendment No. 1, the Nasdaq added a footnote to proposed NASD Rule 4710(b)(1)(D)(3) requiring the lead underwriter of a secondary offering to submit a written request to the Nasdaq Market Operations Department for immediate processing of executions in secondary offerings. See *infra* note 4.

elapsed from the time the order was executed, as measured by the time of execution in the Nasdaq system.

(3) *For both the first day of trading of the securities of initial public offerings and the first day of trading of the securities of secondary offerings,<sup>4</sup> after the NNMS system has executed an order against a market maker's displayed quote and reserve size (if applicable), that market maker shall be required to execute another order at its posted bid or offer in that same security as soon as the NNMS system delivers another order to that market maker's quote. After the first day of trading, subsequent multiple executions against the same market maker's quote at the same price level in such securities shall be processed pursuant to subparagraph (D)(2) of this rule if the security is included in the Nasdaq 100 Index, or if not included in that index, multiple executions against the same market maker's quote at the same price level in such securities shall be processed pursuant to subparagraph (D)(1) of this rule.*

(c) through (e). No Change.

\* \* \* \* \*

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

Currently, the rules governing the Nasdaq Small Order Execution System establish a delay of 17 seconds (15 seconds for quote management and two seconds for system processing) between executions against the same market maker in the same security at the same

price level. With the launch of SuperSOES, this delay will be reduced to five seconds (plus two seconds system processing time) for the vast majority of Nasdaq NMS securities. Due to market participants' concerns that significant order flow could potentially produce queuing within the system, Nasdaq recently filed a rule change with the Commission to further reduce the interval delay between executions in Nasdaq securities to two seconds.<sup>5</sup>

Recently, Nasdaq market participants have also raised similar queuing concerns in the context of the rapid flow of orders accompanying IPOs as well as secondary offerings. Accordingly, Nasdaq is making the instant proposal to reduce from five seconds to zero seconds (plus system processing time) the delay between round-lot executions against the same market participant in the same security for the first day of trading of all SuperSOES-eligible IPOs and secondary offerings. This means that a market maker will be available for round-lot executions as quickly as the system can transmit instructions between the execution and quote-update engines, an operation that generally requires from one to one and one half seconds.

Under the proposal, Nasdaq will eliminate, during the first day of trading of IPOs and secondary offerings, the NNMS interval delay between executions taking place against the same market maker at the same price level. This proposed rule change will permit orders in these offerings to be processed on the first day of trading as fast as the SuperSOES system will allow. After the first day of trading, the NNMS interval delay between executions against the same market maker at the same price level for these securities would revert, and be determined, like all other NNMS-eligible securities, by whether or not the securities are part of the Nasdaq 100 Index ("Nasdaq 100"). If a security is a part of the Nasdaq 100, the NNMS interval delay between executions against the same market maker at the same price level on subsequent trading days would be two seconds. If a security is not a Nasdaq 100 security, the NNMS interval delay between executions against the same market maker at the same price level on subsequent trading days would be five seconds. Nasdaq proposes to eliminate the NNMS interval delay for the first day of trading of IPOs and secondary offerings on a six-month pilot basis to commence

when the SuperSOES system becomes operational. During that time, Nasdaq will monitor the performance of the system under the proposed parameters to determine whether the proposed measures adequately address the concerns expressed by market participants.

In addition, Nasdaq proposes to continue, for the time being, its current practice of using the same interval delay between multiple round-lot executions against the same market participant for odd-lot executions of that same security. For example, if the interval delay in a particular security were five seconds, the interval delay after an odd-lot execution would also be five seconds. Nasdaq will closely monitor odd-lot order entry activity in NNMS to ensure that such activity does not adversely impact market quality.

Nasdaq believes that reducing the interval delay between executions of the first day of trading of NNMS-eligible IPOs and secondary offerings will ensure that customer orders for those securities are processed in the most expeditious manner possible. In turn, such processing will improve market function and aid in the crucial price discovery process.

#### 2. Statutory Basis

Based on the above, Nasdaq believes that the proposed rule change, as amended, is consistent with section 15A(b)(6)<sup>6</sup> of the Act, in that the proposed rule change is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in processing information with respect to and facilitating transactions in securities, as well as to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

### B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

<sup>4</sup> In order to obtain immediate processing of executions in secondary offerings, the lead underwriter of the secondary offering shall communicate its request in writing to the Nasdaq Market Operations Department no later than the business day immediately prior to the start of the trading in the secondary offering. Failure to do so may result in the secondary offering being processed pursuant to the interval delay time frames applicable to the currently trading shares of the issuer. See Amendment No. 1, *supra* note 3.

<sup>5</sup> See Securities Exchange Act Release No. 43720 (December 13, 2000), 65 FR 79909 (December 20, 2000) (notice of filing and immediate effectiveness of File No. SR-NASD-00-67).

<sup>6</sup> 15 U.S.C. 78o-3(b)(6).

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-01-03 and should be submitted by March 14, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 01-4259 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43952; File No. SR-Phlx-00-13]

#### Self-Regulatory Organizations; Order Granting Approval of the Proposed Rule Change, as Amended, by the Philadelphia Stock Exchange, Inc. Relating to Timing Guidelines for Application in Disciplinary Hearings

February 12, 2001.

#### I. Introduction

On July 13, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change amending Phlx Rule 960.5(a), (b), (c), and (d) to provide timing guidelines for certain procedures conducted pursuant to Phlx Rule 960.5. On August 23, 2000, the Phlx filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On November 9, 2000, the Phlx filed Amendment No. 2 to the proposed rule change.<sup>4</sup> On November 22, 2000, the Phlx filed Amendment No. 3 to the proposed rule change.<sup>5</sup> On December 13, 2000, the Phlx filed Amendment No. 4 to the proposed rule change.<sup>6</sup> Notice of the proposal, as amended, was published in the **Federal Register** on December 28, 2000.<sup>7</sup> The Commission received no comments on the proposal. On January 11, 2001, the Phlx filed Amendment No. 5 to the proposed rule change.<sup>8</sup> This

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission (Aug. 22, 2000) ("Amendment No. 1"). In Amendment No. 1, the Phlx corrected its rule language and clarified which language of the rule text was to be added and deleted. The Phlx also added a paragraph describing that the proposal would allow the Chair of the Business Conduct Committee ("Committee") to designate another person to oversee the Chairperson's duties pursuant to Phlx rules.

The Phlx indicated that the designee would be a Business Conduct Committee member. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Melinda Diller, Attorney, Division, Commission (Sept. 1, 2000).

<sup>4</sup> See Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Nov. 8, 2000) ("Amendment No. 2"). In Amendment No. 2, the Phlx changed the text of the rule language and revised time limits and the manner in which a Respondent's request for a hearing is handled.

<sup>5</sup> See Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Nov. 20, 2000) ("Amendment No. 3"). In Amendment No. 3, the Phlx "marked" the filing and the text of the rule

order approves the proposal, as amended.

#### II. Description of the Proposal

The Phlx proposes to amend Phlx Rule 960.5 to provide timing guidelines for certain procedures relating to disciplinary hearings. Revised Rule 960.5 proposes to adopt a timing guideline of 120 days for the Chair of the Committee to schedule a hearing date after a hearing has been requested in the written Answer filed by a Respondent in response to a Statement of Charges.<sup>9</sup> The Phlx also proposes a five business day timing guideline<sup>10</sup> for the Chair of the Committee, or its designee, to schedule a hearing date and name a Hearing Panel after receiving a request from Counsel for the Exchange. If the request for a hearing comes from the Respondent, Counsel for the Exchange must request that a hearing date be set and a Hearing Panel be named within ten business days of receiving Respondent's request.<sup>11</sup> Evidence and witness lists must be exchanged between the parties, as well as provided to the members of the

language to indicate the changes made in Amendment No. 2, which were not properly indicated.

<sup>6</sup> See Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Dec. 13, 2000) ("Amendment No. 4"). In Amendment No. 4, the Phlx made a few technical corrections to the text of the proposed rule.

<sup>7</sup> See Securities Exchange Act Release No. 43757 (December 20, 2000), 65 FR 82432.

<sup>8</sup> See Letter from Charles Falgie, Director of Enforcement/Counsel, Phlx, to Nancy Sanow, Assistant Director, Division, Commission (Jan. 11, 2001) ("Amendment No. 5"). In Amendment No. 5, the Phlx made a few more technical corrections to the text of the proposed rule. The Phlx also clarified that it inadvertently indicated the addition of the term "its" and the deletion of the term "their" between the terms "Respondent" and "in" in the first sentence under proposed Rule 960.5(a)(1). Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Attorney, Division, Commission (Jan. 12, 2001). Because Amendment No. 5 only makes minor technical corrections to the proposed rule text, the Commission is not required to solicit comments on it.

<sup>9</sup> See also Chicago Board Options Exchange, Rule 17.8. Offers of Settlement, Interpretations and Policies .02 (discussing a similar timing guideline for scheduling a hearing date).

<sup>10</sup> See Amendment No. 2, *supra* note 4; see also Amendment No. 3, *supra* note 5. The Phlx confirmed that Amendment No. 3 incorrectly indicates that the time periods for scheduling the hearing date and for providing a transcript of the hearing to the Hearing Panel members and the Respondents were initially ten days and later amended to five days. However, these time periods have, and will remain, five days throughout the filing. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Law Clerk, Division, Commission (Nov. 27, 2000).

<sup>11</sup> See Amendment No. 2, *supra* note 4; see also Amendment No. 3, *supra* note 5.

<sup>7</sup> 17 CFR 200.30-3(a)(12).

Hearing Panel, not less than eight business days prior to the scheduled hearing date.<sup>12</sup> Counsel for the Exchange must provide a transcript of the hearing to the Hearing Panel members and the Respondent within five business days of receipt of the transcript. The Respondent, along with being provided a copy of the transcript, will be issued a bill for its portion of the costs of the transcript.<sup>13</sup> The Exchange and the Respondent would bear equally the costs of the transcript, which would include, but will not be limited to, the costs for the court reporter, reproduction of the transcript, and producing copies.<sup>14</sup> The Hearing Panel, on receipt of the transcript, would then have forty-five days to produce a hearing report.<sup>15</sup> Finally, the proposed amendments establish formal procedures for requesting and granting adjournments of the hearing date. Requests would be presented in writing to the presiding person of the Hearing Panel and would be considered for just cause.<sup>16</sup>

The proposed amendments also allow the Chair of the Committee to name a designee on behalf of the Committee.<sup>17</sup> This is proposed for administrative purposes, such as the Chair's unavailability due to illness, the need for recusal, or other circumstances which may arise.

### III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act<sup>18</sup> and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 of the Act.<sup>19</sup> Section 6(b)(6) of the Act<sup>20</sup> requires the rules of an exchange must provide that Exchange members, and persons associated with Exchange

members, are appropriately disciplined for violations of the provisions of the Act, the rules and regulations thereunder, or the rules of the Exchange. Section 6(b)(7) of the Act<sup>21</sup> provides that there be a fair procedure for disciplining Exchange members and persons associated with members.

The Commission believes that the Exchange's codification of certain timing guidelines relating to its disciplinary hearing process should foster a prompt, efficient disciplinary process and clarify the procedures for Exchange members and the general public. The Exchange has represented that, although these timing guidelines are not expressly a part of the Exchange's rules, the Exchange has been following these timing guidelines as a part of Exchange procedure. Furthermore, the time periods indicated throughout Phlx Rule 960.5 are similar to time periods employed by other exchanges.<sup>22</sup> The Commission believes that, by expressly codifying these timing guidelines for disciplinary hearings, the Exchange will be able to impose and monitor compliance with the guidelines more effectively. The Commission also believes that the proposed rule change will improve the speed, fairness, and efficiency of disciplinary hearings, thereby promoting a fair procedure for the disciplining of Exchange members and persons associated with Exchange members.

### IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with sections 6(b)(6) and 6(b)(7).<sup>23</sup>

*It Is Therefore Ordered*, pursuant to section 19(b)(2) of the Act,<sup>24</sup> that the proposed rule change, as amended (SR-Phlx-00-13) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>25</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 01-4262 Filed 2-20-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SOCIAL SECURITY ADMINISTRATION

### Privacy Act of 1974; as Amended; Alterations to Existing Systems of Records

**AGENCY:** Social Security Administration.  
**ACTION:** Notice of minor non-substantive changes to existing systems of records.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(b)(12)), we are issuing public notice of our intent to amend the following existing systems of records to allow disclosure of personally identifiable information to consumer reporting agencies in accordance with 31 U.S.C. 3711(e):

- Master Beneficiary Record, 60-0090,
- Recovery of Overpayment, Accounting and Reporting, 60-0094; and
- Supplemental Security Income Record and Special Veterans Benefits, 60-0103.

We also are modifying the language in the notice entitled, Supplemental Security Income Record and Special Veterans Benefits to: (1) More accurately describe the records maintained in this system of records, and (2) clarify language in routine use numbered 19 for this system of records. We invite public comments on these proposals.

**DATES:** These changes are effective immediately on February 21, 2001.

**ADDRESSES:** Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pamela McLaughlin, Social Insurance Specialist, Social Security Administration, 3-C-2 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, telephone (410) 965-3677.

### SUPPLEMENTARY INFORMATION:

#### I. Disclosure to Consumer Reporting Agencies

The Privacy Act of 1974, as amended, (5 U.S.C. 552a(b)(12)) permits Federal agencies to disclose certain information to consumer reporting agencies in accordance with 31 U.S.C. 3711(e) without the consents of the individuals to whom the information pertains. The purpose of this disclosure is provide an incentive for individuals to pay the outstanding debts they owe to the Federal government by including information about these debts in the

<sup>12</sup> See also Cincinnati Stock Exchange, Rule 8.6. Hearings, Sub-Paragraph (b) Notice and List of Documents (discussing a similar time frame for parties to exchange evidence and witness lists).

<sup>13</sup> See Amendment No. 1, *supra* note 3.

<sup>14</sup> See Amendment No. 1, *supra* note 3.

<sup>15</sup> See also Pacific Exchange, Rule 10.7. Decision (discussing a similar time frame after receipt of the transcript in which to produce a report); see also Amendment No. 2, *supra* note 4; see also Amendment No. 3, *supra* note 5.

<sup>16</sup> See Amendment No. 1, *supra* note 3.

<sup>17</sup> See Amendment No. 1, *supra* note 3.

The Phlx later confirmed that the Chair of the Committee would name the designee on behalf of the Committee. Telephone conversation between Charles Falgie, Director of Enforcement/Counsel, Phlx, and Sapna C. Patel, Attorney, Division, Commission (Jan. 31, 2001).

<sup>18</sup> The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

<sup>19</sup> 15 U.S.C. 78f(b).

<sup>20</sup> 15 U.S.C. 78f(b)(6).

<sup>21</sup> 15 U.S.C. 78f(b)(7).

<sup>22</sup> See *supra* notes 9, 12, and 15.

<sup>23</sup> 15 U.S.C. 78f(b)(6) and 15 U.S.C. 78f(b)(7).

<sup>24</sup> 15 U.S.C. 78s(b)(2).

<sup>25</sup> 17 CFR 200.30-3(a)(12).

records relating to those persons maintained by consumer reporting agencies. This is a practice commonly used by the private sector. We are permitted by sections 204(f), 808(e) and 1631(b)(4) of the Social Security Act (the Act) (42 U.S.C. 404(f), 1008(e) and 1383(b)(4)) to disclose to consumer reporting agencies under 31 U.S.C. 3711 information on certain delinquent benefit overpayments that occur under title II, title VIII (special benefits for certain veterans of World War II) and title XVI of the Act, respectively.

In accordance with 31 U.S.C. 3711(e) and requirements of the Office of Management and Budget (OMB), we are publishing this notice in the **Federal Register** (FR) that we may disclose information from the above-mentioned systems of records to consumer reporting agencies. The information disclosed will be limited to that which is needed to establish the identity of the individual debtor, the amount, status, and history of the debt, and the agency or program under which the debt arose.

We have added the following statement after the routine uses section of each of the notices of the above-mentioned systems of records:

Disclosure to Consumer Reporting Agencies: Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, et. Seq.) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

## II. Clarifying Amendment to the Supplemental Security Income Record and Special Veterans Benefits System of Records

### A. Clarification of Description of Categories of Records Maintained

We have amended the categories of records section of the Supplemental Security Income Record and Special

Veterans Benefits to more accurately describe the types of information maintained in the system of records. This amendment is a clarification, not the addition of new types of information in the system. This section of the notice of the system of records states that records concerning “. . . payment amounts, including overpayment amounts and the date and amount of advance payments; . . .”

We are clarifying this description as follows (see italicized language): “\* \* \* payment amounts, including the date and amount of advance payments; *overpayment amounts, including identifying characteristics of each overpayment (e.g., name, SSN and address of the individual(s) involved, recovery efforts made and the date of each action, and planned future actions)*; \* \* \*”

### B. Clarification of Routine Use Numbered 19 Applicable to the Supplemental Security Income Record and Special Veterans Benefits System of Records

The routine use numbered 19 for the Supplemental Security Income Record and Special Veterans Benefits provides for disclosure of information from the system to other Federal, State and local government agencies to assist those agencies in administering their programs as well as to assist SSA in administering its programs. We are making a clarifying amendment to this routine use to cite examples of SSA programs for which disclosure may be made under the routine use. The amended routine use provides that disclosure may be made (the clarifying language is italicized):

19. To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

- (a) The Department of Veterans Affairs upon request for determining eligibility for, or amount of, DVA benefits or verifying other information with respect thereto;
- (b) The Railroad Retirement Board for administering the Railroad Unemployment Insurance Act;
- (c) State agencies to determine eligibility for Medicaid;
- (d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program;
- (e) State agencies to administer energy assistance to low income groups under

programs for which the States are responsible;

(f) Department of State and its agents to assist SSA in administering the Social Security Act in foreign countries, the American Institute on Taiwan and its agents to assist in administering the Social Security Act in Taiwan, the VA, Philippines Regional Office and its agents to assist in administering the Social Security in the Philippines, and the Department of Interior and its agents to assist in administering the Social Security Act in the Northern Mariana Islands; and

(g) Federal, State, or local agencies to assist SSA in administering its programs such as the Supplemental Security Income and Special Veterans Benefits programs.

Dated: February 14, 2001.

**Darrell Blevins,**  
SSA Privacy Officer.

**60-0090**

#### SYSTEM NAME:

Master Beneficiary Record, Social Security Administration, Office of Systems Requirements.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security beneficiaries who are or were entitled to receive Retirement and Survivors Insurance (RSI), or Disability Insurance (DI) benefits, including individuals who have received a RSI or DI payment since November 1978 even if their payment is not part of an ongoing award of benefits; individuals (non-claimants) on whose earnings records former spouses apply for RSI or DI benefits; persons who are only enrolled in the Hospital or Supplementary Medical Insurance (SMI) programs; and claimants whose benefits have been denied or disallowed.

The system also contains short references to records for persons entitled to supplemental security income payments, black lung benefits or railroad retirement board benefits.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The Master Beneficiary Record (MBR) contains information about each claimant who has applied for RSI or DI benefits, or to be enrolled in the Hospital or SMI programs; a record of the amount of Federal tax withheld on



benefits paid to nonresident aliens; and the aggregate amount of benefit payments, repayments and reductions with respect to an individual in a calendar year. A record is maintained under each individual's Social Security number (SSN). However, if the individual has filed on another person's SSN, only a short "pointer" record is maintained. Personal and general data about the claim is maintained under the SSN of that claim. Data about the claimant can be accessed using the claimant's SSN or the SSN on which benefits have been awarded or claimed (claim account number (can)).

There are three types of data in each CAN:

**Account data:** This includes the primary insurance amount, insured status of the SSN holder (if no monthly benefits are payable), data relating to the computation (use of military service credits, railroad retirement credits, or coverage credits earned under the Social Security system of a foreign country when the claim is based on a totalization agreement), and, if only survivor's benefits have been paid, identifying data about the SSN holder (full name, date of birth, date of death and verification of date of death).

**Payment data:** This includes the payee's name and address, data about a financial institution (if benefits are sent directly to the institution for deposit), the monthly payment amount, the amount and date of a one-time payment of past due benefits, and, where appropriate, a scheduled future payment.

**Beneficiary data:** This includes personal information (name, date of birth, sex, date of filing, relationship to the SSN holder, other SSN's, benefit amount and payment status), and, if applicable, information about a representative payee, data about disability entitlement, worker's compensation offset data, estimates and report of earnings, or student entitlement information.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 202–205, 223, 226, 228, 1818, 1836, and 1840 of the Social Security Act (the Act).

#### **PURPOSES(S):**

Data in this system are used by a broad range of Social Security employees for responding to inquiries, generating follow-ups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and generating records for the Department of the Treasury to pay the correct benefit amount.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To applicants or claimants, prospective applicants or claimants (other than the data subject), their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and to representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

(2) To third party contacts (e.g., employers and private pension plan) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

- (i) He/she is incapable or of questionable mental capability;
- (ii) He/she cannot read or write;
- (iii) He/she cannot afford the cost of obtaining the information;
- (iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;
- (v) A language barrier exists; or
- (vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

- (i) His/her eligibility for benefits under the Social Security program;
- (ii) The amount of his/her benefit payment; or
- (iii) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program

integrity, quality appraisal, or evaluation and measurement activities.

(3) To third party contacts that may have information relevant to SSA's establishment or verification of information provided by representative payees or payee applicants.

(4) To a Social Security beneficiary/claimant when a claim is filed by another individual on the same record which is adverse to the beneficiary, but only information concerning the facts relevant to the interests of each party in a claim e.g.:

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the roll;

(5) To the Department of the Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Act (including SSN verification services);

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks;

(c) Determining the Federal tax liability on Social Security benefits pursuant to 26 U.S.C. 6050F, as amended by Public Law 98–21. The information disclosed will consist of the following:

(i) The aggregate amount of Social Security benefits paid with respect to any individual during any calendar year;

(ii) The aggregate amount of Social Security benefits repaid by such individual during such calendar year;

(iii) The aggregate reductions under section 224 of the Act in benefits which would otherwise have been paid to such individual during the calendar year on account of amounts received under a worker's compensation act; and

(iv) The name and address of such individual;

(d) Depositing the tax withheld on benefits paid to nonresident aliens in the Treasury (Social Security Trust Funds) pursuant to 26 U.S.C. 871, as amended by P.L. 98–21.

(6) To the United States Postal Service for investigating the alleged theft or forgery of Social Security checks.

(7) To the Department of Justice (DOJ) for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security; and

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

(8) To the Department of State for administering the Act in foreign countries through services and facilities of that agency.

(9) To the American Institute of Taiwan for administering the Act in Taiwan through services and facilities of that agency.

(10) To the Department of Veterans Affairs (DVA), Philippines Regional Office, for administering the Act in the Philippines through the services and facilities of that agency.

(11) To the Department of Interior for administering the Act in the Trust Territory of the Pacific Islands through services and facilities of that agency.

(12) To the Social Security agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Act.

(13) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

(14) To the Department of Education for determining eligibility of applicants for basic educational opportunity grants.

(15) To the Bureau of the Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.

(16) To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

(17) To the Office of Personnel Management (OPM), for the study of the relationship of civil service annuities to minimum Social Security benefits, and the effects on the Social Security trust fund.

(18) To State Social Security Administrators for administering agreements pursuant to section 218 of the Act.

(19) To the Department of Energy for its epidemiological research study of the long-term effects of low-level radiation exposure, as permitted by SSA Regulations 20 CFR 401.150(c).

(20) To contractors under contract to SSA (or under contract to another agency with funds provided by SSA) for the performance of research and statistical activities directly relating to this system of records.

(21) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(22) To the Department of Labor for conducting statistical studies of the relationship of private pensions and Social Security benefits to prior earnings.

(23) In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Act.

(24) To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) RRB for administering provisions of the Railroad Retirement Act relating to railroad employment; for administering the Railroad Unemployment Insurance Act and for administering provisions of the Social Security Act relating to railroad employment;

(b) DVA for administering 38 U.S.C. 1312, and upon request, for determining eligibility for, or amount of, veterans benefits or verifying other information with respect thereto pursuant to 38 U.S.C. 5106;

(c) State welfare departments for administering sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Act requiring information about assigned SSN's for Temporary Assistance for Needy Families (TANF) program purposes and for determining a recipient's eligibility under the TANF program; and

(d) State agencies for administering the Medicaid program.

(25) Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (DOJ) (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

(26) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(27) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under the routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

(28) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to General Services Administration (GSA) and National Archives and Records Administration (NARA) for the purpose of conducting records management

studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(29) Information may be disclosed to the Federal Reserve Bank of New York for the purpose of making direct deposit/electronic funds transfer of Social Security benefits to foreign-resident beneficiaries.

(30) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the Internal Revenue Code (IRC) (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(31) To the Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under titles II and or XVI of the Act may be referred. Data released to RSA will not include any personally identifying information (such as names or SSNs).

(32) Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Federal Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

(33) To student volunteers and other workers, who technically do not have

the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

(34) To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace and the operation of SSA facilities, or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

(35) Corrections to information that resulted in erroneous inclusion of individuals in the Death Master File (DMF) may be disclosed to recipients of erroneous DMF information.

(36) Information as to whether an individual is alive or deceased may be disclosed pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), upon request, for purposes of an epidemiological or similar research project, provided that:

(a) SSA determines in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding rerelease or redisclosure of the information.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history

of the debt and the agency or program under which the debt arose.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records are stored in magnetic media (e.g., magnetic tape and magnetic disk) and in microform and paper form.

##### **RETRIEVABILITY:**

Records in this system are indexed and retrieved by SSN.

##### **SAFEGUARDS:**

Safeguards for automated records have been established in accordance with the Systems Security Handbook. All magnetic tapes and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microform and paper files are accessible only by authorized personnel and are locked after working hours.

For computerized records, electronically transmitted between SSA's central office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

##### **RETENTION AND DISPOSAL:**

Primary data storage is on magnetic disk. A new version of the disk file is generated each month based on changes to the beneficiary's record (adjustment in benefit amount, termination, or new entitlements). The prior version is written to tape and retained for 90 days in SSA's main data processing facility and is then sent to a secured storage facility for indefinite retention.

Selected records also are retained on magnetic disk for on-line query purposes. The query files are updated monthly and retained indefinitely. Microform records are disposed of by shredding or the application of heat after periodic replacement of a complete file.

Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder. (See the notice for the Claims Folders System, 60-0089 for retention periods and method of disposal for these records).

##### **SYSTEM MANAGER AND ADDRESS:**

Director, Office of Systems Requirements, Division of Payment

Processes, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

#### **NOTIFICATION PROCEDURE:**

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40).

#### **RECORD ACCESS PROCEDURES:**

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These

procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

**CONTESTING RECORD PROCEDURES:**

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

**RECORD SOURCE CATEGORIES:**

Data for the MBR come primarily from the Claims Folders System (60-0089) and/or is furnished by the claimant/beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given to SSA by the beneficiary; and from States regarding Hospital Insurance third party premium payment/buy-in cases.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:**

None.

**60-0094**

**SYSTEM NAME:**

Recovery of Overpayments, Accounting and Reporting, Social Security Administration, Office of Systems Requirements.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235

PSCs (See Appendix A for PSC address information).

Social Security Administration, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, MD 21241

Lists of overpaid individuals, which are produced by this computer system, are maintained at each of SSA's field offices. (See Appendix F to this publication for address and telephone information.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Social Security beneficiaries who may have received an overpayment of benefits; persons holding conserved

(accumulated) funds received on behalf of a Social Security beneficiary; and persons who received Social Security payments on behalf of a beneficiary and are suspected to have misused those payments.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Identifying characteristics of each overpayment or instance of misused or conserved funds (e.g., name, SSN and address of the individual(s) involved, recovery efforts made and the date of each action, and planned future actions).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 204(a) of the Social Security Act (42 U.S.C. 404(a)).

**PURPOSE(S):**

The users of this system are employees of the Social Security field offices, as well as selected personnel of SSA's Program Service Centers (PSC) and the Office of Disability Operations (ODO). The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data adjustment produce accounting and statistical reports at specified intervals.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(2) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.

(3) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(4) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an

agency function relating to this system of records.

(5) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(6) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof; or  
(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(7) To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this

disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in magnetic cartridges, microfiche and paper form.

**RETRIEVABILITY:**

Records are retrieved by SSN.

**SAFEGUARDS:**

System security for automated records has been established in accordance with the Systems Security Handbook. This includes maintaining automated records in a secured building, the SSA National Computer Center, and limiting access to the building to employees who have a need to enter in the performance of their official duties. Paper and other non-ADP records are protected through standard security measures (e.g., maintenance of the records in buildings which are manned by armed guards). (See Appendix G for additional information relating to safeguards SSA employs to protect personal information.)

**RETENTION AND DISPOSAL:**

Magnetic cartridges are updated daily and retained for 75 days. The magnetic cartridges produced in the last operation of the month is retained in security storage for a period of 75 days, after which the tapes are erased and returned to stock. The microfiche records are updated monthly, retained for 3 years after the month they are produced, and then destroyed by application of heat.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Systems Requirements, Division of Payment Processes, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

**NOTIFICATION PROCEDURE:**

An individual can determine if this system contains a record about him/her by contacting the appropriate processing office (e.g., PSC, ODO or the most convenient Social Security field office). (See Appendices A and F to this publication for address information), by writing to the systems manager(s) at the

above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR § 401.40).

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

**CONTESTING RECORD PROCEDURES:**

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and

state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

**RECORD SOURCE CATEGORIES:**

The information for the computer files is received directly from beneficiaries, from Social Security field offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:**

None.

**60-0103**

**SYSTEM NAME:**

Supplemental Security Income Record and Special Veterans Benefits, Social Security Administration, Office of Systems Requirements.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

Records also may be located in the Social Security Administration (SSA) Regional and field offices (individuals should consult their local telephone directories for address information).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This file contains a record for each individual who has applied for supplemental security income (SSI) payments, including individuals who have requested an advance payment; SSI recipients who have been overpaid; and ineligible persons associated with an SSI recipient. This file also covers those individuals who have applied for and who are entitled to the Special Veterans Benefits (SVB) under title VIII of the Social Security Act. (This file does not cover applicants who do not have a Social Security number (SSN).)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This file contains data regarding SSI eligibility; citizenship; residence; Medicaid eligibility; eligibility for other benefits; alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 290dd-3 and ee-3); income data; resources; payment amounts, including the date and amount of advance payments; overpayment

amounts, including identifying characteristics of each overpayment (e.g., name, SSN, address of the individual(s) involved, recovery efforts made and the date of each action and planned future actions); and date and amount of advance payments; living arrangements; case folder location data; appellate decisions, if applicable; SSN used to identify a particular individual, if applicable; information about representative payees, if applicable; and a history of changes to any of the persons who have applied for SSI payments. For eligible individuals, the file contains basic identifying information, income and resources (if any) and, in conversion cases, the State welfare number.

**THIS FILE ALSO CONTAINS INFORMATION ABOUT APPLICANTS FOR SVB.**

The information maintained in this system of records is collected from the applicants for title VIII SVB, and other systems of records maintained by SSA. The information maintained includes a data element indicating this is a title VIII SVB claim. It will also include: identifying information such as the applicant's name, Social Security number (SSN) and date of birth (DOB); telephone number (if any); foreign and domestic addresses; the applicant's sex; income data, payment amounts (including overpayment amounts); and other information provided by the applicant relative to his or her entitlement for SVB.

If the beneficiary has a representative payee, this system of records includes data about the representative payee such as the payee's SSN; employer identification number, if applicable; and mailing address.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, 1634 of title XVI and title VIII of the Social Security Act (the Act).

**PURPOSE(S):**

SSI records begin in Social Security field offices where an individual or couple files an application for SSI payments. SVB records begin in Social Security field offices and Veterans Affairs Regional Office (VARO) where an individual files an application for SVB payments. The SSI and SVB applications contain data which may be used to prove the identity of the applicant, to determine his/her eligibility for SSI or SVB payments and, in cases where eligibility is determined, to compute the amount of the payment. Information from the application, in addition to data used internally to

control and process SSI and SVB cases, is used to create the Supplemental Security Income Record (SSR). The SSR also is used as a means of providing a historical record of all activity on a particular individual's or couple's record.

In addition, statistical data are derived from the SSR for actuarial and management information purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure may be made for routine uses as indicated below. However, disclosure of any information constituting "returns or return information" within the scope of the Internal Revenue Code will not be disclosed unless disclosure is authorized by that statute.

(1) To the Department of the Treasury to prepare SSI, Energy Assistance, and SVB checks to be sent to claimants or beneficiaries.

(2) To the States to establish the minimum income level for computation of State supplements.

(3) To the following Federal and State agencies to prepare information for verification of benefit eligibility under section 1631(e) of the Act: Bureau of Indian Affairs; Office of Personnel Management; Department of Agriculture; Department of Labor; Immigration and Naturalization Service; Internal Revenue Service; Railroad Retirement Board; State Pension Funds; State Welfare Offices; State Worker's Compensation; Department of Defense; United States Coast Guard; and Department of Veterans Affairs.

(4) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(5) To the appropriate State agencies (or other agencies providing services to disabled children) to identify title XVI eligibles under the age of 16 for the consideration of rehabilitation services in accordance with section 1615 of the Act, 42 U.S.C. 1382d.

(6) To contractors under contract to SSA or under contract to another agency with funds provided by SSA for the performance of research and statistical activities directly relating to this system of records.

(7) To State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.

(8) To State agencies to effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of

title XVI eligibles and to assist the States in administering the Medicaid program.

(9) To State agencies to identify title XVI eligibles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.

(10) To State agencies to enable those agencies which have elected Federal administration of their supplementation programs to monitor changes in applicant/recipient income, special needs, and circumstances.

(11) To State agencies to enable those agencies which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplementary payments.

(12) To State agencies to enable them to assist in the effective and efficient administration of the SSI program.

(13) To State agencies to enable those which have an agreement with SSA to carry out their functions with respect to Interim Assistance Reimbursement pursuant to section 1631(g) of the Act.

(14) To State agencies to enable them to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of title XX of the Act.

(15) To State agencies to assist them in determining initial and continuing eligibility in their income maintenance programs and for investigation and prosecution of conduct subject to criminal sanctions under these programs.

(16) To the United States Postal Service for investigating the alleged theft, forgery or unlawful negotiation of SSI and SVB checks.

(17) To the Department of the Treasury for investigating the alleged theft, forgery or unlawful negotiation of SSI and SVB checks.

(18) To the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity Grants.

(19) To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Act). Such disclosures include, but are not limited to, release of information to:

(a) The Department of Veterans Affairs (DVA) upon request for determining eligibility for, or amount of, DVA benefits or verifying other information with respect thereto in accordance with 38 U.S.C. 5106;

(b) The RRB for administering the Railroad Unemployment Insurance Act;

(c) State agencies to determine eligibility for Medicaid;

(d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program;

(e) State agencies to administer energy assistance to low income groups under programs for which the States are responsible; and

(f) Department of State and its agents to assist SSA in administering the Social Security Act in foreign countries, the American Institute on Taiwan and its agents to assist in administering the Social Security Act in Taiwan, the VA, Philippines Regional Office and its agents to assist in administering the Social Security Act in the Philippines, and the Department of Interior and its agents to assist in administering the Social Security Act in the Northern Mariana Islands.

(g) Federal, State, or local agencies to assist SSA in administering its programs such as the Supplemental Security Income and Special Veterans Benefits program.

(20) To IRS, Department of the Treasury, as necessary, for the purpose of auditing SSA's compliance with safeguard provisions of the Internal Revenue Code (IRC) of 1986, as amended.

(21) To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.

(22) Upon request, information on the identity and location of aliens may be disclosed to the DOJ (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where necessary, taking legal action against suspected Nazi war criminals in the United States.

(23) To third party contacts such as private collection agencies and credit reporting agencies under contract with SSA and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

(24) Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

(25) Non-tax return information which is not restricted from disclosure by Federal law may be disclosed to General Services Administration (GSA) and National Archives and Records Administration (NARA) for the purpose

of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984.

(26) To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, or any component thereof, or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court, or other tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

(27) To representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

(28) To third party contacts (e.g., employers and private pension plans) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of

questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone

through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

(iii) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

(29) To Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under titles II and or XVI of the Act may be referred. Data released to RSA will not include any personally identifying information (such as names or SSNs).

(30) Addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Student Loan Program) may be disclosed to the Department of Education as authorized by section 489A of the Higher Education Act of 1965.

(31) To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

(32) To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, if information is necessary:

(a) To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace and the operation of SSA facilities, or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

(33) Corrections to information that resulted in erroneous inclusion of individuals in the Death Master File (DMF) may be disclosed to recipients of erroneous DMF information.



(34) Information as to whether an individual is alive or deceased may be disclosed pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), upon request, for purposes of an epidemiological or similar research project, provided that:

(a) SSA determines in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding rerelease or redisclosure of the information.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e), or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically, to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity, the amount, status, and history of the debt and the agency or program under which the debt arose.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records are maintained in magnetic media (e.g., magnetic tape) and in microform and microfiche form.

##### **RETRIEVABILITY:**

Records are indexed and retrieved by SSN.

##### **SAFEGUARDS:**

System security for automated records has been established in accordance with the Systems Security Handbook. This includes maintaining all magnetic tapes and magnetic disks within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only

issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All SSR State Data Exchange records are protected in accordance with agreements between SSA and the respective States regarding confidentiality, use, and redisclosure.

##### **RETENTION AND DISPOSAL:**

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master SSR tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished to specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the PA accounting requirements, for at least 5 years or the life of the record, whichever is longer.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Supplemental Security Income Systems, Office of Systems Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

##### **NOTIFICATION PROCEDURE:**

An individual can determine if this system contains a record about him/her by writing to or visiting any Social Security field office and providing his or her name and SSN. (Individuals should consult their local telephone directories for Social Security office address and telephone information.) Applicants for SVB who reside in the Philippines should contact VARO, Philippines. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and prevent delay.)

An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify

his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR § 401.40).

##### **RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of, or access to, a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55)).

##### **CONTESTING RECORD PROCEDURES:**

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These

procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

#### RECORD SOURCE CATEGORIES:

Data contained in the SSR are obtained for the most part from the applicant for SSI and SVB payments and are derived from the Claims Folders System (60-0089) and the Modernized Supplemental Security Income Claims System. The States and other Federal agencies such as the Department of Veterans Affairs also provide data affecting the SSR.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 01-4235 Filed 2-20-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed During the Week Ending February 2, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2001-8789.

*Date Filed:* January 29, 2001.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC23 EUR-SASC 0074

Dated: 26 January 2001, Expedited Europe-South Asian Subcontinent Resolution 002b, Intended effective date: 1 March 2001.

*Docket Number:* OST-2001-8810.

*Date Filed:* January 30, 2001.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC12 USA-EUR Fares 0053 dated 30 January 2001, Resolution 015h—USA Add-on Amounts between USA and UK, Intended effective date: 1 April 2001.

*Docket Number:* OST-2001-8837.

*Date Filed:* January 31, 2001.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0464 dated 19 December 2000, TC3 Areawide Resolutions r1—r10, PTC3 0465 dated 19 December 2000, TC3 Within South Asian Subcontinent Resolutions, r11—r19, PTC3 0466 dated 19 December 2000, TC3 Within South East Asia Resolutions r20—r31, PTC3 0467 dated 19 December 2000, TC3 Within South West Pacific Resolutions r32—r37, PTC3 0468 dated 19 December 2000, TC3

between South East Asia and South Asian Subcontinent, Resolutions r38—r46, PTC3 0469 dated 19 December 2000, TC3 between South Asian Subcontinent and South West Pacific, Resolutions r47—r54, PTC3 0470 dated 19 December 2000, TC3 between South East Asia and South West Pacific, Resolutions r55—r59, Minutes—PTC3 0478 dated 23 January 2001, Tables—PTC3 Fares 0135 dated 19 December 2000, PTC3 Fares 0136 dated 19 December 2000, PTC3 Fares 0137 dated 19 December 2000, PTC3 Fares 0139 dated 19 December 2000, PTC3 Fares 0140 dated 19 December 2000, PTC3 Fares 0142 dated 19 December 2000, Intended effective date: 1 April 2001.

*Docket Number:* OST-2001-8838.

*Date Filed:* January 31, 2001.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0471 dated 19

December 2000, TC3 between Japan and Korea Resolutions r1—r12, PTC3 0472 dated 19 December 2000, TC3 between Japan, Korea and South Asian Subcontinent, Resolutions r13—r27, PTC3 0473 dated 19 December 2000, TC3 between Japan, Korea and South East Asia, Resolutions r28—r56, PTC3 0474 dated 19 December 2000, TC3 between Japan, Korea and South West Pacific, Resolutions r57—r105, Minutes—PTC3 0478 dated 23 January 2001, Tables—PTC3 Fares 0138 dated 19 December 2000, PTC3 Fares 0141 dated 19 December 2000, PTC3 Fares 0143 dated 19 December 2000, PTC3 Fares 0144 dated 19 December 2000, Intended effective date: 1 April 2001.

**Dorothy Y. Beard,**

*Federal Register Liaison.*

[FR Doc. 01-4273 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 2, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures.

Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2001-8823.

*Date Filed:* January 30, 2001.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 20, 2001.

#### Description

Application of Express One International pursuant to 49 U.S.C. Section 41102 and Part 201, Subpart B of Part 302, applies for the issuance of a certificate of public convenience and necessity authorizing Express One to provide scheduled foreign air transportation of property and mail between any point or points in the United States and any point or territory or possession in the United States and any point or points in the countries listed in this application.

*Docket Number:* OST-2001-8848.

*Date Filed:* February 2, 2001.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 23, 2001.

#### Description

Application of Air Canada Regional Inc. pursuant to 49 U.S.C. Section 41301, and Subpart Q, applies for a Foreign Air Carrier Permit that would enable Air Canada Regional to hold out scheduled foreign air transportation of persons, property and mail between any point or points in Canada, and any point or points in the United States, and to engage in foreign charter operations pursuant to the Department's charter regulations.

**Dorothy Y. Beard,**

*Federal Register Liaison.*

[FR Doc. 01-4274 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2001-8891]

#### Merchant Marine Personnel Advisory Committee

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** The Merchant Marine Personnel Advisory Committee (MERPAC) and its working groups will meet to discuss various issues relating to the training and fitness of merchant marine personnel. MERPAC advises the Secretary of Transportation on matters relating to the training, qualifications, licensing, certification and fitness of

seamen serving in the U.S. merchant marine. All meetings will be open to the public.

**DATES:** MERPAC will meet on Tuesday, March 27, 2001, from 8 a.m. to 4 p.m. and on Wednesday, March 28, 2001, from 8 a.m. to 3 p.m. These meetings may adjourn early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before March 7, 2001. Written material and requests to have a copy of your material distributed to each member of the committee or subcommittee should reach the Coast Guard on or before March 7, 2001.

**ADDRESSES:** MERPAC will meet on both days at the RTM STAR Center, 2 West Dixie Highway, Dania Beach, FL 33004. Further directions regarding the location of the RTM STAR Center may be obtained by contacting Ms. Cathy Servideo at (954) 920-3222, extension 7270. Send written material and requests to make oral presentations to Commander Brian J. Peter, Commandant (G-MSO-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, contact Commander Brian J. Peter, Executive Director of MERPAC, or Mr. Mark C. Gould, Assistant to the Executive Director, telephone 202-267-0229, fax 202-267-4570, or e-mail [mgould@comdt.uscg.mil](mailto:mgould@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of March 27, 2001 Meeting:

The full committee will meet to discuss the objectives for the meeting. The committee will then break up into the following working groups: Task Statement 24, concerning recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW; Task Statement 25, concerning recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW; and, Task Statement 26, concerning recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW. New working groups may be formed to address any new issues or tasks. At the end of the day, the working groups will make a report to the full committee on what has been accomplished in their meetings.

No action will be taken on these reports on this date.

Agenda of March 28, 2001, Meeting:

The agenda includes the following:

(1) Introduction.

(2) Oath of Office to New Member and Re-appointed Members.

(3) Working Group Reports:

(a) Task Statement 24, concerning recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW

(b) Task Statement 25, concerning recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW

(c) Task Statement 26, concerning recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW

(4) Other items to be discussed:

(a) Standing Committee—Prevention Through People

(b) Other items brought up for discussion by the committee or the public

#### Procedural

Both meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than March 7, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than March 7, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to the Executive Director no later than March 7, 2001.

#### Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 12, 2001.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety and Environmental Protection.*

[FR Doc. 01-4279 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-15-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2001-8895]

### Towing Safety Advisory Committee

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** The Towing Safety Advisory Committee (TSAC), its working groups on Licensing Implementation, Fire Suppression, Casualty Analysis, and Voyage Planning will meet as required to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. All meetings will be open to the public.

**DATES:** TSAC will meet on Thursday, March 15, 2001, from 8 a.m. to 12:30 p.m. The working groups will meet on Wednesday, March 14, 2001, from 9 a.m. to 3:30 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 1, 2001. Requests to have a copy of your material distributed to each member of the Committee or working groups should reach the Coast Guard on or before March 1, 2001.

**ADDRESSES:** TSAC will meet in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The working groups will begin in the same room and may move to separate spaces designated at that time. Send written material and requests to make oral presentations to Mr. Gerald P. Miente, Commandant (G-MSO-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald P. Miente, Assistant Executive Director, telephone 202-267-0229, fax 202-267-4570, or e-mail at: [gmiente@comdt.uscg.mil](mailto:gmiente@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

#### Agenda of Meetings

The agenda tentatively includes the following:

(1) Report of the License Implementation Work Group.

(2) Status report on the International Maritime Information Safety System (IMISS).

(3) Status Report on the Automatic Identification System (AIS).

(4) Status report of the rulemaking on Licensing and Manning of Towing Vessels.

(5) Status report of the Navigation and Vessel Inspection Circular (NVIC) on License Implementation.

(6) Status report of the rulemaking on Fire-Suppression Systems and Voyage Planning for Towing Vessels.

(7) Status report of the R&D studies on Mariner Alertness.

(8) Report on recently compiled data and analyses for the towing industry.

(9) Introduction of the "Crew Alertness Campaign."

#### Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than March 1, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than March 1, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Assistant Executive Director no later than March 1, 2001.

#### Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Assistant Executive Director as soon as possible.

Dated: February 12, 2001.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety and Environmental Protection.*

[FR Doc. 01-4278 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-15-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2001-11]

#### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain

petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before March 13, 2001.

**ADDRESSES:** Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR §§ 11.85 and 11.91.

Issued in Washington, DC, on February 15, 2001.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

#### Petitions for Exemption

*Docket No.:* FAA-2000-7985.

*Petitioner:* Ross Aviation, Inc.

*Section of 14 CFR Affected:* 14 CFR 119.65(a).

*Description of Relief Sought:* To permit Ross' Director of Maintenance and Chief Inspector to qualify as full-time employees, even though these individuals also serve in these capacities under Air Agency Certificate ROSR023B.

*Docket No.:* FAA-2000-8472.

*Petitioner:* Era Aviation, Inc.

*Section of 14 CFR Affected:* 14 CFR 121.643(a)(2) and (3).

*Description of Relief Sought:* To allow ERA to operate its DHC-6 airplane under the visual flight rule fuel supply requirements of § 135.209, rather than the fuel supply requirements of § 121.643.

*Docket No.:* FAA-2000-8580.

*Petitioner:* Fairchild Dornier.

*Section of 14 CFR Affected:* 14 CFR 25.562(b)(2).

*Description of Relief Sought:* To exempt FD from the floor warpage testing requirements of § 25.562(b)(2) for flight crew seats on the 728-100 model aircraft.

#### Dispositions of Petitions

*Docket No.:* FAA-2001-8693.

*Petitioner:* Beverly Air Transport.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/Disposition:* To permit BAT to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft.

*Grant, 02/08/2001, Exemption No. 7440*

*Docket No.:* FAA-2001-8685.

*Petitioner:* Advantage Air Charter LLC.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/Disposition:* To permit AAC to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft.

*Grant, 02/08/2001, Exemption No. 7441*

[FR Doc. 01-4275 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2001-12]

#### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain

petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before March 13, 2001.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No.—, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AG-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:** Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, D.C., on February 15, 2001.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

### Dispositions of Petitions

*Docket No.:* 29703.

*Petitioner:* Vickers Systems Division, Aeroquip-Vickers Limited.

*Section of the 14 CFR Affected:* 14 CFR 145.49(a).

*Description of Relief Sought/Disposition:* To permit VSD to subcontract the maintenance of certain components to the original equipment manufacturers that are not FAA-certificated repair stations.

*Grant, 02/02/2001, Exemption No. 7436*

*Docket No.:* 29332.

*Petitioner:* SkyWorld Aviation, Inc.

*Section of the 14 CFR Affected:* 14 CFR 135.163 and 135.181.

*Description of Relief Sought/Disposition:* To permit SkyWorld to conduct passenger-carrying operations in single-engine airplanes in certain,

limited instrument flight rules (IFR) conditions as were permitted previously by §§ 135.103 and 135.181 before the adoption of Amendment No. 135-70. In addition, the proposed exemption would allow SkyWorld to conduct such operations without equipping its airplanes with (1) two independent electrical power-generating sources, or a standby battery or alternate source of electrical power; and (2) a redundant energy system for gyroscopic instruments.

*Denial, 02/05/2001, Exemption No. 7435*

*Docket No.:* 29910.

*Petitioner:* Japan Turbine Technologies Company, Ltd.

*Section of the 14 CFR Affected:* 14 CFR 145.47(b).

*Description of Relief Sought/Disposition:* To permit JTT to use the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Electrotechnical Laboratory (ETL), Japan's national standards organization, in lieu of the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment.

*Grant, 02/02/2001, Exemption No. 7438*

*Docket No.:* 29768.

*Petitioner:* ANA Aircraft Maintenance Co., Ltd.

*Section of the 14 CFR Affected:* 14 CFR 145.47(b).

*Description of Relief Sought/Disposition:* To permit ANAM to substitute the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Electrotechnical Laboratory (ETL), Japan's national standards organizations, for the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment.

*Grant, 01/31/2001, Exemption No. 7437*

[FR Doc. 01-4276 Filed 2-20-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33994]

#### Summit View, Inc.—Intracorporate Family Exemption—Merger of Pittsburgh Industrial Railroad, Inc. Into The Pittsburgh & Ohio River Railroad Company

Summit View, Inc. (Summit), a noncarrier holding company, and its wholly owned subsidiaries Pittsburgh Industrial Railroad, Inc. (PIRR),<sup>1</sup> a Delaware Corporation, and The Pittsburgh & Ohio River Railroad Company (POHC), have filed a notice of exemption to merge PIRR into POHC, with POHC as the surviving corporation. POHC will acquire the assets and assume all liabilities and obligations of PIRR.<sup>2</sup>

The transaction was expected to be consummated on or shortly after January 31, 2001. The notice indicates that Summit, POHC, and all other carrier subsidiaries of Summit are organized and incorporated under the laws of the State of Ohio. Thus, the transaction will simplify Summit's tax compliance and will reduce administrative costs by eliminating the need to maintain corporate and legal representation in the State of Delaware.

The transaction involves the merger of companies within Summit's corporate family. The merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class exemption at 49 CFR 1180.2(d)(3).

As a condition to the use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60, 84-90 (1979).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33994, must be filed with

<sup>1</sup> See *Summit View, Inc.—Acquisition of Control Exemption—Pittsburgh Industrial Railroad, Inc.*, STB Finance Docket No. 33978 (STB served Jan. 11, 2001).

<sup>2</sup> POHC is a non-operating railroad corporation formed under the laws of the State of Ohio. Once PIRR is merged into POHC, PIRR's separate corporate existence will cease.

the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: February 13, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-4147 Filed 2-20-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

#### Advisory Council on Transportation Statistics; Meeting

**AGENCY:** Bureau of Transportation Statistics.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public law 72-363; 5 U.S.C. App. 2) notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Wednesday, February 28, 2001, 10 am to 4 pm. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, in conference room 3200-3204 of the Nassif Building.

The Advisory Council, called for under section 6007 of Public law 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include, Director's programs update, Advisory Council report to the Director, data quality, data gaps, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Lillian "Pidge" Chapman, Council

Liaison, on (202) 366-1270 prior to February 26, 2001. Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Chapman.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Chapman (202) 366-1270 at least seven days prior to the meeting.

Issued in Washington, DC, on February 14, 2001.

**Ashish Sen,**  
Director.

[FR Doc. 01-4222 Filed 2-20-01; 8:45 am]

BILLING CODE 4910-FE-U

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 5, 2001.

The Department of the Treasury has submitted the following public information collection requirements(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 26, 2001 to be assured of consideration.

#### Departmental Offices/International Portfolio Investment Data Reporting System

*OMB Number:* 1505-0023.

*Form Number:* Treasury International Capital Form CM.

*Type of Review:* Extension.

*Title:* Dollar Deposit and Certificate of Deposit Claims on Banks Abroad.

*Description:* Form CM is required by law and is designed to collect timely information on international portfolio capital movements, including data on total U.S. dollar deposits held by nonbanking business enterprises in the U.S. with banks located outside the

United States, foreigners' purchases and sales of long-term securities in transactions with U.S. persons. This information is necessary for compiling the U.S. balance of payments, for calculating the U.S. international investment position, and for formulating U.S. international investment position, and for U.S. financial and monetary policies.

*Respondents:* Business or other for profit.

*Estimated Number of Respondents:* 55.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* Monthly.

*Estimated Total Reporting Burden:* 330 hours.

*OMB Number:* 1505-0088.

*Form Number:* Treasury International Capital Form BL-3.

*Type of Review:* Reinstatement.

*Title:* Intermediary's Notification of Foreign Borrowing Denominated in Dollars.

*Description:* Form BL-3 is required by law and is designed to collect timely information on international portfolio capital movements, including notification by banks, other depository institutions, brokers and dealers to United States nonbank borrowers from foreigners that they may have a reporting obligation under the Treasury Internal Capital system. This information is necessary for compiling U.S. balance of payments, for calculating U.S. international investment position, and for formulating U.S. international financial and monetary policies.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 25.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* Monthly.

*Estimated Total Reporting Burden:* 150 hours.

*Clearance Officer:* Lois K. Holland (202) 622-1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Department Reports, Management Officer.

[FR Doc. 01-4176 Filed 2-20-01; 8:45 am]

BILLING CODE 4810-25-M

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

February 13, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 23, 2001, to be assured of consideration.

**Bureau of the Public Debt (PD)**

*OMB Number:* 1535-0096.

*Form Number:* PD F 1993.

*Type of Review:* Extension.

*Title:* Reinvestment Application.

*Description:* PD F 1993 is used to request proceeds of matured Series H Savings Bonds be invested in Series HH Savings Bonds.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 20,000.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden Hours:* 5,000 hours.

*Clearance Officer:* Vicki S. Thorpe (304) 480-6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106-1328.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 01-4177 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-40-U**

Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 23, 2001 to be assured of consideration.

**U.S. CUSTOMS SERVICE (CUS)**

*OMB Number:* 1515-0217.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Land Border Carrier Initiative Program.

*Description:* The Land Border Carrier Initiative Program is designed to prevent smugglers of illicit drugs from utilizing commercial conveyances for their commodities, and to make participation in this program at certain, high-risk locations a condition for use of the Line Release method of processing repetitive entries of merchandise.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions.

*Estimated Number of Respondents:* 1,050.

*Estimated Burden Hours Per Respondent:* 5 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 5,250 hours.

*Clearance Officer:* J. Edgar Nichols (202) 927-1426 or, Tracey Denning (202) 927-1429, U.S. Customs Service, Information Services Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 01-4178 Filed 2-20-01; 8:45 am]

**BILLING CODE 4820-02-U**

Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 23, 2001 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0045.

*Form Number:* IRS Form 976.

*Type of Review:* Extension.

*Title:* Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

*Description:* Form 976 is filed by corporations that wish to claim a deficiency dividend deduction. The IRS uses Form 976 to determine if shareholders have included amounts in gross income.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 500.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping .....	5 hr., 44 min.
Learning about the law or the form.	53 min.
Preparing, copying, assembling and sending the form to the IRS.	1 hr., 2 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 3,830 hours.

*OMB Number:* 1545-0145.

*Form Number:* IRS Form 2439.

*Type of Review:* Extension.

*Title:* Notice to Shareholder of Undistributed Long-Term Capital Gains.

*Description:* Form 2439 is sent by regulated investment companies and real estate investment trusts to report undistributed capital gains and the amount of tax paid on these gains designated under Internal Revenue Code section 852(b)(3)(D) or 857(b)(3)(D). The company, the trust, and the shareholder file copies of Form 2439 with IRS. IRS uses the information to check shareholder compliance.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 8,363.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping .....	2 hr., 52 min.
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**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

February 6, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

February 5, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,



Learning about the law or the form.	35 min.
Preparing and sending the form to the IRS.	40 min.

*Frequency of Response:* Annually.  
*Estimated Total Reporting/Recordkeeping Burden:* 34,539 hours.  
*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**  
*Departmental Reports, Management Officer.*  
 [FR Doc. 01-4179 Filed 2-20-01; 8:45 am]  
**BILLING CODE 4830-01-U**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 13, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 23, 2001 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1455.  
*Regulation Project Number:* PS-80-93 Final.

*Type of Review:* Extension.  
*Title:* Rules for Certain Rental Real Estate Activities.

*Description:* The regulation provides rules relating to the treatment of rental real estate activities of certain taxpayers under the passive activity loss and credit limitations of Internal Revenue Code section 469.

*Respondents:* Individuals or households, Business or other for-profit.  
*Estimated Number of Respondents:* 20,100.

*Estimated Burden Hours Per Respondent:* 9 minutes.

*Frequency of Response:* On occasion.  
*Estimated Total Reporting Burden:* 3,015 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**  
*Departmental Reports, Management Officer.*  
 [FR Doc. 01-4180 Filed 2-20-01; 8:45 am]  
**BILLING CODE 4830-01-U**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Implementation of Public Law 103-159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8054.

#### SUPPLEMENTARY INFORMATION:

*Title:* Implementation of Public Law 103-159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act.

*OMB Number:* 1512-0544.

*Abstract:* The permanent provisions of the Brady law, 18 U.S.C. 922(t), provide for the establishment of a

national instant criminal background check system (NICS) that a firearms licensee must contact before transferring any firearm to unlicensed individuals. The permanent provisions of the Brady law will apply to all firearms.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 106,000.

*Estimated Time Per Respondent:* 0.

*Estimated Total Annual Burden Hours:* 1.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

*Comments are invited on:* (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

**William T. Earle,**

*Assistant Director (Management) CFO.*

[FR Doc. 01-4251 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Monthly Report—Export Warehouse Proprietor.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form(s) and instructions should be directed to Mary Wood, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8185.

**SUPPLEMENTARY INFORMATION:**

*Title:* Monthly Report—Export Warehouse Proprietor.

*OMB Number:* 1512-0115.

*Form Number:* ATF F 2140 (5220.4).

*Abstract:* ATF F 2140 (5220.4) is a report that is completed and filed by proprietors who are qualified to operate export warehouses that handle untaxed tobacco products. The report provides a summation of all transactions at the export warehouse and accounts for the untaxable products being handled by these proprietors. No tax will be paid on the tobacco products if they are properly exported.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 221.

*Estimated Time Per Respondent:* 48 minutes.

*Estimated Total Annual Burden Hours:* 2,148.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

**William T. Earle,**

*Assistant Director (Management) CFO.*

[FR Doc. 01-4252 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-31-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**Proposed Collection; Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Explosives Transaction Record.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form(s) and instructions should be directed to Richard Van Loan, Chief, Public Safety Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-7930.

**SUPPLEMENTARY INFORMATION:**

*Title:* Explosives Transaction Record.

*OMB Number:* 1512-0184.

*Form Number:* ATF F 5400.4.

*Abstract:* The Explosives Transaction Record is used to verify the qualification and identification of unlicensed persons wishing to purchase explosive materials from licensed dealers, as well as the location in which the explosives are

intended for storage and/or use. ATF uses the information in its investigations and inspections to establish leads and determine compliance.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit, individuals or households.

*Estimated Number of Respondents:* 1,140.

*Estimated Time Per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 7,227.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

**William T. Earle,**

*Assistant Director (Management).*

[FR Doc. 01-4253 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-31-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**Proposed Collection; Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Special Tax Renewal Registration and Return and Special Tax Location Registration Listing.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Robert P. Ruhf, Revenue Operations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8188.

**SUPPLEMENTARY INFORMATION:**

*Title:* Special Tax Renewal Registration and Return and Special Tax Location Registration Listing.

*OMB Number:* 1512-0500.

*Form Number:* ATF F 5630.5R and ATF F 5630.5RC.

*Abstract:* All of the information requested on ATF F 5630.5R and ATF F 5630.5RC is essential to the functions of collecting, processing and accounting for alcohol, tobacco and/or firearms special tax payments. The forms identify the taxpayer, tax classes and the particular premises covered by the return.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 350,000.

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 100,500.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

**William T. Earle,**

*Assistant Director (Management) CFO.*

[FR Doc. 01-4254 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-31-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**Proposed Collection; Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Distilled Spirits Plant (DSP) Processing Records and Reports.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Richard Mascolo, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC (202) 927-8210.

**SUPPLEMENTARY INFORMATION:**

*Title:* Distilled Spirits Plant (DSP) Processing Records and Reports.

*OMB Number:* 1512-0198.

*Form Number:* ATF F 5110.28.

*Recordkeeping Requirement ID Number:* ATF REC 5110/3.

*Abstract:* The information collected is necessary to account for and verify the

processing of distilled spirits in bond. The information is used to audit plant operations, monitor industry activities for the efficient allocation of personnel resources and the compilation of statistics. The record retention requirement for this information collection is 3 years.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 134.

*Estimated Time Per Respondent:* 2 hours.

*Estimated Total Annual Burden Hours:* 3,886.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2001.

**William T. Earle,**

*Assistant Director (Management) CFO.*

[FR Doc. 01-4255 Filed 2-20-01; 8:45 am]

**BILLING CODE 4810-31-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**Proposed Collection; Comment Request for Form 8390**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8390, Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809.

*OMB Number:* 1545-0927.

*Form Number:* Form 8390.

*Abstract:* Life insurance companies are required to provide data so the Secretary of the Treasury can compute the: (1) stock earnings rate of the 50 largest stock companies and (2) average mutual earnings rate. These factors are used to compute the differential earnings rate which will determine the tax liability for mutual life insurance companies.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 150.

*Estimated Time Per Respondent:* 64 hrs., 55 min.

*Estimated Total Annual Burden Hours:* 9,738.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 9, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-4293 Filed 2-20-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**Proposed Collection; Comment Request for Form 970**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 970, Application To Use LIFO Inventory Method.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the form and instructions should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Application To Use LIFO Inventory Method.

*OMB Number:* 1545-0042.

*Form Number:* Form 970.

*Abstract:* Form 970 is filed by individuals, partnerships, trusts, estates, or corporations to elect to use the last-in first-out (LIFO) inventory method or to extend the LIFO method to additional goods. The IRS uses Form 970 to determine if the election was properly made.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and individual or households.

*Estimated Number of Respondents:* 3,000.

*Estimated Time Per Respondent:* 13 hours, 58 minutes.

*Estimated Total Annual Burden Hours:* 41,880.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: February 12, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-4294 Filed 2-20-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8865

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8865, Return of U.S. Persons With Respect to Certain Foreign Partnerships.

**DATES:** Written comments should be received on or before April 23, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions

should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

**Title:** Return of U.S. Persons With Respect to Certain Foreign Partnerships.  
**OMB Number:** 1545-1668.

**Form Number:** 8865.

**Abstract:** The Taxpayer Relief Act of 1997 significantly modified the information reporting requirements with respect to foreign partnerships. The Act made the following three changes: (1) expanded Code section 6038B to require U.S. persons transferring property to foreign partnerships in certain transactions to report those transfers; (2) expanded Code section 6038 to require certain U.S. partners of controlled foreign partnerships to report information about the partnerships; and (3) modified the reporting required under Code section 6046A with respect to acquisitions and dispositions of foreign partnership interests. Form 8865 is used by U.S. persons to fulfill their reporting obligations under Code sections 6038B, 6038, and 6046A.

**Current Actions:** There are no changes being made to the form at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, individuals, and not-for-profit institutions.

**Estimated Number of Respondents:** 5,000.

**Estimated Time Per Respondent:** 88 hours, 55 minutes.

**Estimated Total Annual Burden Hours:** 444,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 13, 2000.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-4295 Filed 2-20-01; 8:45 am]

**BILLING CODE 4830-01-U**

Corrections

Federal Register  
Vol. 66, No. 35  
Wednesday, February 21, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Meeting of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance

Correction

In proposed rule document 01-3569 beginning on page 10182 in the issue of

Tuesday, February 13, 2001, make the following correction:  
On page 10182, in the third column, in the file line, the filing time “12:25am” should read “10:25am”.

[FR Doc. C1-3569 Filed 2-20-01; 8:45 am]  
BILLING CODE 1505-01-D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 731

RIN 3206-AC19

Suitability

Correction

In rule document 00-33114 beginning on page 82239 in the issue of Thursday, December 28, 2000, make the following correction:

1. On page 82240, in the first column, in the third full paragraph, in the last line, remove “under section available”.

§731.301 [Corrected]

2. On page 82246, in the first column, in §731.301(b), “means” should read “mean”.

§731.304 [Corrected]

3. On page 82246, in the second column, in §731.304, in the ninth line, “subpart DE” should read “subpart E”.

[FR Doc. C0-33114 Filed 2-20-01; 8:45 am]  
BILLING CODE 1505-01-D

# Reader Aids

## Federal Register

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Wednesday, February 21, 2001

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**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT FEBRUARY 21, 2001****COMMERCE DEPARTMENT  
National Oceanic and Atmospheric Administration**

Marine mammals:

Incidental taking—

Atlantic Large Whale Take Reduction Plan; published 1-19-01

**ENERGY DEPARTMENT****Energy Efficiency and Renewable Energy Office**

Consumer products; energy conservation program:

Central air conditioners and central air conditioning heat pumps—

Energy conservation standards; published 1-22-01

Energy conservation standards; published 0-0-0

**ENVIRONMENTAL PROTECTION AGENCY**

Water pollution; effluent guidelines for point source categories:

Oil and gas extraction; synthetic-based and other non-aqueous drilling fluids; published 1-22-01

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Commercial mobil radio services and personal communications services; minor editorial amendments; published 2-21-01

Telecommunications Act of 1934; directory listing information provision; published 2-21-01

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

Freedom of Information Act; implementation; published 1-22-01

**INTERIOR DEPARTMENT  
National Park Service**

Special regulations:

Yellowstone National Park, John D. Rockefeller, Jr. Memorial Parkway, Grand

Teton National Park; snowmobile and snowplane use; limitations and prohibitions; published 1-22-01

**SMALL BUSINESS ADMINISTRATION**

New Markets Venture Capital Program; published 1-22-01

**TRANSPORTATION DEPARTMENT****Coast Guard**

Ports and waterways safety:

New York annual fireworks displays, NY; safety zones; published 1-22-01

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

Airworthiness directives:

Bell; published 2-6-01

Pratt & Whitney; published 2-6-01

Class E airspace; published 1-22-01

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Reports and guidance documents; availability, etc.:

Commodity research and promotion program; agency oversight guidelines; comment request; comments due by 2-28-01; published 11-30-00

**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Exportation and importation of animals and animal products:

Beef, fresh, chilled, or frozen from Argentina, certification; foot-and-mouth disease; comments due by 2-27-01; published 12-29-00

**AGRICULTURE DEPARTMENT****Grain Inspection, Packers and Stockyards Administration**

Reports and guidance documents; availability, etc.:

Commodity research and promotion programs; agency oversight guidelines; comment request; comments due by 2-28-01; published 11-30-00

**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**

Fishery conservation and management:

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South Atlantic snapper-grouper; comments due by 2-26-01; published 2-12-01

West Coast States and Western Pacific fisheries—

Coral reef ecosystems; hearings; comments due by 2-26-01; published 1-10-01

**DEFENSE DEPARTMENT**

Federal Acquisition Regulation (FAR):

Commercial item acquisitions; contract types; comments due by 2-27-01; published 12-29-00

High-technology workers; signing and retention; comments due by 2-26-01; published 12-28-00

**ENVIRONMENTAL PROTECTION AGENCY**

Solid wastes:

Test methods for evaluating solid waste, physical/chemical methods; third edition update; comments due by 2-26-01; published 11-27-00

Zinc fertilizers made from recycled hazardous secondary materials; definition; conditions for exclusion; comments due by 2-26-01; published 11-28-00

Water pollution; effluent guidelines for point source categories:

Iron and steel manufacturing facilities; comments due by 2-26-01; published 12-27-00

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Federal-State Joint Board on Universal Service—  
Rural universal service support mechanism; reform plan; comments due by 2-26-01; published 1-26-01

Non-price cap incumbent local exchange and interexchange carriers; Multi-Association Group plan for interstate services regulation; rulemaking petition; comments due by

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North Carolina; comments due by 2-26-01; published 1-11-01

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Louisiana; comments due by 3-2-01; published 1-11-01

**FEDERAL RESERVE SYSTEM**

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**GENERAL SERVICES ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Commercial item acquisitions; contract types; comments due by 2-27-01; published 12-29-00

High-technology workers; signing and retention; comments due by 2-26-01; published 12-28-00

**HEALTH AND HUMAN SERVICES DEPARTMENT  
Centers for Disease Control and Prevention**

Medicare, Medicaid, and Clinical Laboratory Improvement Amendments (CLIA) programs: Clinical laboratory requirements; effective dates extended; comments due by 2-27-01; published 12-29-00

**HEALTH AND HUMAN SERVICES DEPARTMENT  
Food and Drug Administration**

Biological products:

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**HEALTH AND HUMAN SERVICES DEPARTMENT  
Health Care Financing Administration**

Medicare, Medicaid, and Clinical Laboratory

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Clinical laboratory requirements; effective dates extended; comments due by 2-27-01; published 12-29-00

#### **HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

##### **Federal Housing Enterprise Oversight Office**

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#### **INTERIOR DEPARTMENT**

##### **Fish and Wildlife Service**

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Various plants from Molokai, HI; comments due by 2-27-01; published 12-29-00

#### **INTERIOR DEPARTMENT**

##### **Minerals Management Service**

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#### **JUSTICE DEPARTMENT**

##### **Immigration and Naturalization Service**

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#### **JUSTICE DEPARTMENT**

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#### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

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##### **National Indian Gaming Commission**

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#### **PENSION BENEFIT GUARANTY CORPORATION**

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#### **SOCIAL SECURITY ADMINISTRATION**

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#### **TRANSPORTATION DEPARTMENT**

##### **Coast Guard**

Cargo securing on vessels operating in U.S. waters; comments due by 3-1-01; published 12-1-00

#### **TRANSPORTATION DEPARTMENT**

##### **Federal Aviation Administration**

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#### **TRANSPORTATION DEPARTMENT**

##### **Federal Highway Administration**

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##### **National Highway Traffic Safety Administration**

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#### **TREASURY DEPARTMENT**

##### **Internal Revenue Service**

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Income taxes:

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#### **TREASURY DEPARTMENT**

Financial subsidiaries; comments due by 3-2-01; published 1-3-01

#### **LIST OF PUBLIC LAWS**

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

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#### **H.J. Res. 7/P.L. 107-1**

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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